Agenda Item No: 22.C

STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** June 4, 2020

Staff Contact: Hope Sullivan, AICP, Planning Manager

Agenda Title: For Possible Action: Discussion and possible action to introduce, on first reading, Bill No. _____, an ordinance amending the Silver Oak Planned Unit Development so as to expand the boundary of Block DD on property zoned Single Family 12,000 Planned Unit Development located south of Silver Oak Drive and East of Siena Drive, APNs 007-552-38 and 007-552-41. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Silver Oak Planned Unit Development (PUD) was approved on September 16, 1993. The conditions and terms of approval of the PUD were incorporated into a development agreement adopted on January 6, 1994 as Ordinance No. 1994-1. The PUD includes four cluster housing blocks, one of which is already developed. The applicant is proposing that the boundary of Block DD be expanded easterly to incorporate .94 acres of designated open space into residential lots. The Board of Supervisors may amend the PUD.

Agenda Action: Ordinance - First Reading **Time Requested:** 20 Minutes

---

Proposed Motion
I move to introduce, on first reading, Bill No. _____.

Board's Strategic Goal
Quality of Life

Previous Action
April 29, 2020: The Planning Commission recommended approval by a vote of 7 - 0, 0 absent, 0 abstention.

Background/Issues & Analysis
See the April 29, 2020 staff report to the Planning Commission.

Attachments:
Draft Ordinance
Staff report to the Planning Commission (PUD-2020-0002) dated April 29, 2020 with attachments.

Applicable Statute, Code, Policy, Rule or Regulation
CCMC 17.09 (Planned Unit Development) and 17.07 (Findings); NRS 278.330 (Tentative Map); NRS Chapter 278A (Planned Development).

Financial Information
Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives
Do not amend the Silver Oak Planned Unit Development, identifying what findings cannot be made.

Attachments:
TPUD Amendment Silver Oak.doc

Staff report to the Planning Commission (PUD-2020-0002) dated April 29, 2020 with attachments..pdf

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____
		_____
		_____
		_____
		_____

_____
(Vote Recorded By)

SUMMARY – An ordinance amending the Silver Oak Planned Unit Development approved on September 16, 1993.

BILL NO. _____
ORDINANCE NO. 2020-__

AN ORDINANCE TO AMEND THE SILVER OAK PLANNED UNIT DEVELOPMENT SO AS TO EXPAND THE BOUNDARY OF BLOCK DD NORTHEASTERLY BY .94 ACRES ON PROPERTY LOCATED SOUTH OF SILVER OAK DRIVE AND EAST OF SIENA DRIVE ZONED SINGLE FAMILY 12,000 PLANNED UNIT DEVELOPMENT, APN 007-552-38 AND 007-552-41, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

An application for an amendment to the Silver Oak Planned Unit Development on Assessor's Parcel Number 007-552-38 and 007-552-41, located south of Silver Oak Drive and East of Sienna Drive, Carson City, Nevada, was duly submitted by the Carson City Planning Division in accordance with Section 17.09, et seq. of the Carson City Municipal Code (CCMC). The request will result in an expansion of Block DD of the Tentative Map by .94 acres as shown on Attachment A. After proper noticing pursuant to NRS 278 and CCMC Title 18, on April 29, 2020, the Planning Commission, during a public hearing, reviewed the Planning Division staff report, took public comment and voted 7 ayes, 0 nay to recommend to the Board of Supervisors approval of the amendment to the Tentative Planned Unit Development.

SECTION II:

Based on the findings of fact enumerated in Carson City Municipal Code 17.07.005 and 17.09.050, the Silver Oak Planned Unit Development is amended to expand the boundary of Block DD Assessor's Parcel Number 007-552-38 to incorporate 0.94 acres of APN 007-552-41, as depicted on Attachment A.

PROPOSED this ___ day of _____, 2020.

PROPOSED BY Supervisor _____

PASSED on the _____ day of _____, 2020.

VOTE: AYES: _____

_____

_____

_____

_____

NAYS: _____

_____

ABSENT: _____

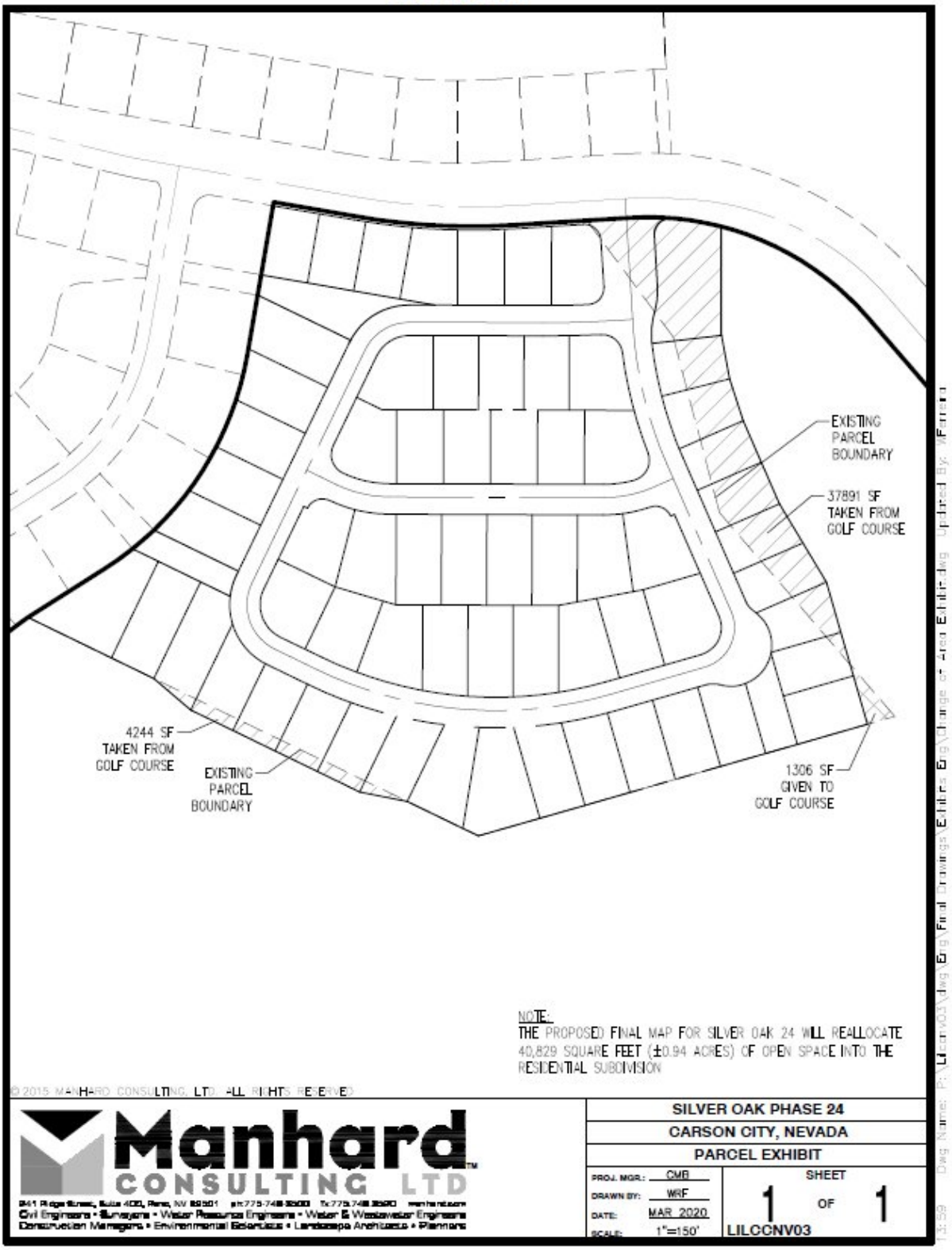
_____
ROBERT L. CROWELL, Mayor

ATTEST:

_____
Aubrey Rowlatt, Clerk-Recorder

This ordinance shall be in force and effect from and after the ____ of _____, 2020.

Exhibit A



NOTE:
THE PROPOSED FINAL MAP FOR SILVER OAK 24 WILL REALLOCATE 40,829 SQUARE FEET (±0.94 ACRES) OF OPEN SPACE INTO THE RESIDENTIAL SUBDIVISION

Manhard CONSULTING LTD
241 Ridge Street, Suite 400, Reno, NV 89501 ph:775-748-3500 fx:775-748-3520 manhard.com
Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

SILVER OAK PHASE 24	
CARSON CITY, NEVADA	
PARCEL EXHIBIT	
PROJ. MGR.: CMB	SHEET 1 OF 1
DRAWN BY: WRF	
DATE: MAR 2020	
SCALE: 1"=150'	LILCCNV03

STAFF REPORT FOR PLANNING COMMISSION MEETING OF APRIL 28, 2020

FILE NO: PUD-2020-0002 **AGENDA ITEM: E.3**

STAFF CONTACT: Hope Sullivan, Planning Manager

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a request for a modification to the Silver Oak Planned Unit Development and associated Development Agreement so as to modify the development standards in the areas identified as Cluster Housing areas "CC," "DD," and "EE," and modifying the boundaries of Cluster Housing area "DD" to incorporate 0.94 acres of area originally designated as open space, on properties zoned Single Family 12,000 Planned Unit Development (SF-12 P), located on the southside of Silver Oak Drive, east of Siena Drive and Red Leaf Drive, and a parcel located southwest of Eagle Valley Ranch Road, and further identified as APNs 007-552-44, 007-552-38, 007-552-19 and 007-552-41. (Hope Sullivan, hsullivan@carson.org)

STAFF SUMMARY : The Silver Oak Planned Unit Development (PUD) was approved on September 16, 1993. The conditions and terms of approval of the PUD were incorporated into a development agreement adopted as Ordinance No. 1994-1, adopted on January 6, 1994. The PUD includes four cluster housing blocks, one of which is already developed. The applicant is seeking to reduce the maximum number of units in Block DD, located south of Silver Oak Drive and east of Siena Drive, from a maximum of 92 units to 64 units. The applicant is also proposing that the boundary of Block DD be expanded easterly to incorporate .94 acres of designated open space into residential lots. For Blocks "CC," "DD," and "EE," the applicant proposes to eliminate references to zero lot line townhomes and limitations on lot coverage, and to modify the required setbacks. The Board of Supervisors may amend the PUD and the associated development agreement. The Planning Commission makes a recommendation to the Board.

PROPOSED MOTION: I move to recommend approval of the modifications to the Silver Oak Planned Unit Development and associated Development Agreement, specifically Section 2.2 of the Development Agreement, as noted in items 1 through 11, based on the findings as identified in the staff report and the conditions of approval.

Summary of Modifications to the Development Agreement

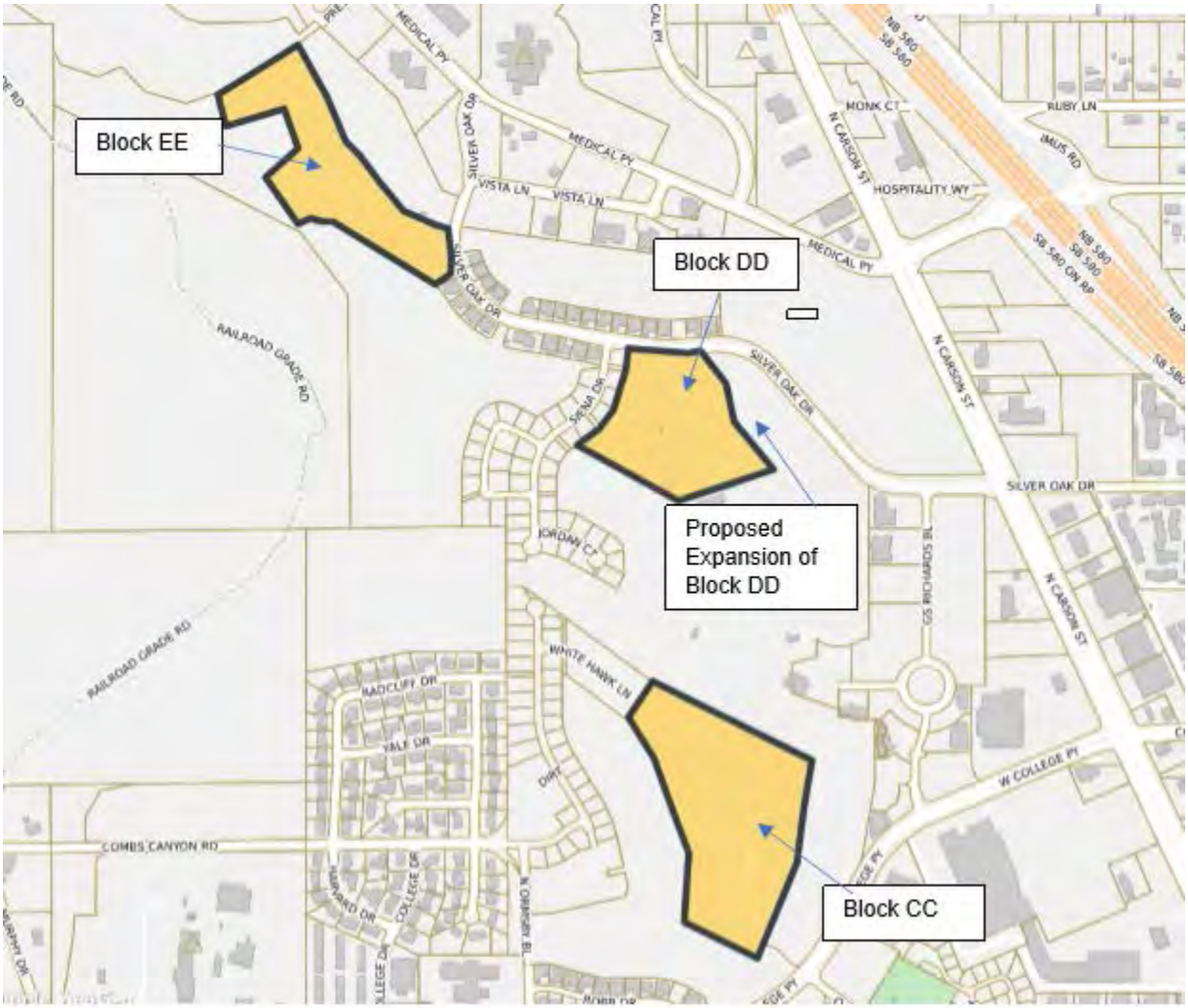
1. The allowable density in Block "DD" is changed from 92 units to 64 units.
2. The following wording is to be removed "with building types of zero lot line townhome, common wall or similar units referenced in the project approval."
3. The following wording is to be removed "Lot coverage cannot exceed thirty five (35%) percent of the lot areas, including covered parking and …"
4. Modify the reference to building height to state "The building height may not exceed 28 feet. This limitation supersedes the condition of approval that allows for a building height of 35 feet."
5. Modify the front setback requirements to state the requirement is ten feet to the house, 18 feet to the garage, measured from the back of sidewalk if there is a sidewalk on the property.
6. Modify the rear setback requirements to state the requirement is ten feet for front access units, and five feet to garage doors from alleys or rear property lines if a rear access.
7. Modify the side setback requirements to state the requirement is five feet, or zero on one

side and ten feet on the other.

8. Wording that the two story elements shall not exceed 50 percent of the structure's frontage shall be removed.
9. Wording that a maximum of two units in a row with the same setback shall be removed.
10. Wording will be added that at the time of application for a site improvement permit for block "CC," "DD," or "EE," the applicant shall submit a signal warrant analysis for the intersection of Silver Oak Drive and North Carson Street reflecting build out of all three blocks.

11. The boundary of Block DD may be expanded as proposed.

VICINITY MAP:



RECOMMENDED CONDITIONS OF APPROVAL:

1. All lot areas and lot widths shall meet the zoning requirements approved as part of this planned unit with the submittal of a final map.
2. The applicant shall preserve as many trees as practicable within the common open space areas. Mature trees damaged by fire and others in poor health shall be removed only after approval of the planning and community development department.
3. The homeowner's association shall maintain all common open space areas including the area devoted to the guest parking.
4. Required minimum lot area and setback requirements shall be stated on all final maps.
5. As part of the final map for Block "DD," an easement must be created for the water main that crosses the golf course from the southeast corner of Block "DD," northeasterly to Silver Oak Drive.
6. The final map for Block "DD" shall incorporate the following:
   - A.. The development water mains must have two connections to the existing City water system. One connection shall be off Silver Oak Drive, east of the check valve. The other connection must be south of the project. If not already in place suitable easements meeting current City Standards for the southern connection are required.
   - B. All water services and hydrants must be perpendicular to the water main.
   - C. Water meters for lots 5, 6, 7, 13, 14 and 15 shall be located behind the sidewalk
   - D. All meters shall be located outside driving surfaces, including driveways.
   - E. The tentative map contemplated a traffic signal at Silver Oak Drive and North Carson Street. For the site improvement permit, a traffic impact analysis must be submitted which analyzes signal warrant analysis for MUTCD warrants 1 and 2 for current and future traffic volumes, with and without the project. The traffic impact analysis must also analyze the level of service at this intersection.
   - F. The emergency access shall be gated with an automated gate.
   - G. The street section shown only allows for parking on one side. The site improvement plans must show that streets must be striped and signed for parking on one side only.
   - H. A wet stamped water main analysis must be submitted in accordance with CCDS 15.3.1(a) to show that adequate pressure will be delivered to the meter and fire flows meet the minimum requirements of the Carson City Fire Department.
   - I. A wet stamped sewer main analysis must be submitted that includes addressing the effect of flows on the existing City system. See section 15.3.2 of CCDS.
   - J. A Technical Drainage Study meeting the requirements of section 14 of the Carson City Development Standards must be submitted with the permit and plans. The study must analyze the runoff that was originally estimated for this piece of Silver Oak and compare that to the estimated runoff for the subject project.
   - K. There is a missing storm drainage connection in this regional system from the fairway basin north of Silver Oak Drive to the basin south of Fairway Drive. A storm drain connection must be installed with this project.
   - L. Any engineering work done on this project must be wet stamped and signed by an engineer licensed in Nevada. This will include site, grading, utility and erosion control plans as well as standard details.
   - M. All construction work must be to Carson City Development Standards (CCDS) and meet the requirements of the Carson City Standard Details.
   - N. Addresses for units will be provided at the time of final map.
   - O. Fresh water must be used for Dust control.

P. A private testing agreement will be necessary for the compaction and material testing in the street right of way. The form can be obtained through Carson City Permit Engineering.
Q. An erosion control plan meeting section 13 of CCDS will be required in the plan set.
R. Any existing water and sewer services not being used must be abandoned at the main.
S. New electrical service must be underground.
T. Any work performed in the street right of way will require a traffic control plan and a timeline type schedule to be submitted before the work can begin. A minimum of one week notice must be given before any work can begin in the street right of way.
U. Please show all easements on the construction drawings.
V. A Construction Stormwater Permit from the Nevada Division of Environmental Protection (NDEP) will be required.
W. A Dust Control Permit from NDEP will be required.
X. The water main connection in Silver Oak Drive must be east of the system single check, to ensure the subdivision is connected to the 4960 water pressure zone.

LEGAL REQUIREMENTS: CCMC 17.09 (Planned Unit Development)

MASTER PLAN DESIGNATION: Medium Density Residential (MDR) & Open Space (OS)

ZONING DISTRICT: Single Family 12,000-Planned Unit Development (SF12-P)

KEY ISSUES: Can the proposed modifications be supported by the required findings?

SURROUNDING ZONING AND LAND USE INFORMATION:
NORTH: Single Family 12,000-Planned Unit Development (SF12-P)/Vacant land, open space, single family homes
SOUTH: Single Family 12,000-Planned Unit Development (SF12-P)/ open space, single family homes
WEST: Single Family 12,000-Planned Unit Development (SF12-P)/ open space, single family homes
EAST: Single Family 21,000-Planned Unit Development (SF12-P)/ open space

ENVIRONMENTAL INFORMATION:
FLOOD ZONE: X-shaded
SLOPE/DRAINAGE: The area is flat
EARTHQUAKE: Severe/ moderate

SITE HISTORY:
The Silver Oak Planned Unit Development (PUD) Tentative Map was approved by the Board of Supervisors on September 16, 1993 and covered 651 acres of land. The development was approved with 293 acres of open space, 78.9 acres of commercial area, 13.6 acres for a school/park site, 225 acres for single family and cluster development, for a total of 1,181 lots, and 40 acres of roadways. In January of 1998 the Silver Oak PUD was amended to include 24 additional dwelling units, providing for a total of 1,205 dwelling units, rather than the originally approved 1,181 dwelling units.

In January of 1994 the Carson City Board of Supervisors approved a development agreement with Silver Oak Development Company which set out the conditions and terms of approval. On

June 16, 1994 an addendum was approved by the Board of Supervisors and recorded July 1, 1994. On January 2, 1995 the Board approved a second addendum to the development agreement between Carson City and Silver Oak Development Company Limited Partnership to modify certain previously approved setback variances and other related matters. In 1997 there was a revised development agreement proposed by Silver Oak, but that agreement was not completed or recorded.

Over the years there were several changes to the Silver Oak PUD, resulting in the reduction of the number of lots proposed for the development. As an example, Carson Tahoe Hospital purchased a section of the Silver Oak Development area for completion of the Carson Tahoe Hospital Campus.

In August 2005, City staff and the applicant met to discuss the options regarding the setback inconsistencies in the Silver Oak Development. It was decided at that time that a Variance application would allow City staff and the Silver Oak Development to develop a plan for consistent implementation and review of setbacks to be utilized on parcels which would be developed in future development phases of parcels recorded under Silver Oak Phases listed as 16, 17 and 18 under VAR-05-195. Eventually, Phase 20 was also allowed to vary from the original setback requirements under VAR-14-016. When Phase 21 was recorded, as FPUD-16-012 the developer was allowed to use a variation of the required setbacks in conjunction with the recording of the map. Setbacks in Phase 22 and 23 were modified under VAR-17-195 and VAR-18-179 respectively. Staff has supported consistency in setbacks for the individual phases within this development.

The tentative map and development agreement identify four blocks: “BB,” “CC,” “DD,” and “EE” that are intended for cluster housing. Per the Development Agreement, these lots will be developed with building types of zero lot line, townhome, common wall or similar units. The Development Agreement identifies the maximum allowable density in each block as follows:

“BB”	160 units
“CC”	145 units
“DD”	92 units
“EE”	66 units

The Development Agreement also provides the following development standards for the cluster blocks.

Minimum Lot Size:	4000 square feet
Minimum Frontage Width	40 feet
Maximum Lot Coverage	35 percent
Maximum Height	28 feet (finished grade to ridgeline)
Front Setback	18 feet (to garage if there is a driveway apron)
	5 feet (to garage if no driveway apron)
	10 feet (to living space)
	10 feet (two story elements)
Rear Setback	10 foot with average of 15 feet
	15 feet (two story elements)
	5 feet (garages)
Side Setback	12 feet (zero lot or blank wall side)
	7 feet (one story element, building to property line)

12 feet (two story element, building to property line)
15 feet (one story element, building to building)
20 feet (two story element, building to building)

Two story elements shall not exceed 50% of the structure's frontage.

Maximum of two units in a row with the same setback.

Note the Board's Notice of Decision of the PUD states the maximum building height in the cluster areas is 35 feet, thus there is conflict with the Development Agreement.

The approved Silver Oak Tentative Map included a total of 651 acres, with 293 acres of open space including "The Hill," golf course, landscaped areas, pedestrian walkways, and buffer areas. Per the Development Agreement, residential construction tax monies could be credited for the park facility, and the pedestrian and bike paths along Winnie Lane, Ormsby Boulevard, College Parkway, and Silver Oak Drive.

Based on an analysis of existing conditions, that applicant has found that the Silver Oak PUD currently has an area of 609.66 acres, with 269.015 acres of open space. This calculates to 44.13 percent open space.

DISCUSSION
The applicant is seeking a modification to the PUD so as to reduce the total amount of open space by 0.94 acres yielding 43.97 percent of the entire PUD as open space, and to modify the development standards in the cluster blocks as follows. Wording proposed to be deleted appear with a strike-through. Wording proposed to be added appears in bold and underlined.

"BB"	160 units	
"CC"	145 units	
"DD"	~~92 units~~	**64 units**
"EE"	66 units	

Minimum Lot Size:	4000 square feet
Minimum Frontage Width	40 feet
Maximum Lot Coverage	~~35 percent~~
Maximum Height	28 feet ~~(finished grade to ridgeline)~~
Front Setback	18 feet (to garage if there is a driveway apron)
	~~5 feet (to garage if no driveway apron)~~
	10 feet (to living space)
	~~10 feet (two story elements)~~
Rear Setback	~~10 foot with average of 15 feet~~
	~~15 feet (two story elements~~)
	~~5 feet (garages)~~
	10 feet for front access garage
	5 feet from alley to garage
Side Setback	~~12 feet (zero lot or blank wall side)~~
	~~7 feet (one story element, building to property line)~~
	~~12 feet (two story element, building to property line)~~
	~~15 feet (one story element, building to building)~~
	~~20 feet (two story element, building to building)~~

	5 feet on each side or 0 on one side and 10 feet on the other
Streetside Setback	**5 feet**

Two story elements shall not exceed 50% of the structure's frontage.

Maximum of two units in a row with the same setback.

The applicant is requesting that the maximum building height be 28 feet, thus eliminating the confusion of conflicting standards.

Per CCMC 17.09.045, the Board of Supervisors is authorized to approve a PUD, and the Planning Commission makes a recommendation to the Board. Similarly, the Board of Supervisors is authorized to approved a modification to a PUD, and the Planning Commission makes a recommendation to the Board.

PUBLIC COMMENTS: Public notices were mailed on April 17, 2020 to 300 property owners within 900 feet of the subject sites pursuant to the provisions of NRS and CCMC. Staff has received a number of inquiries related to the application, but has not received any written communication. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS: The following comments were received from various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Engineering Division:
The Engineering Division has no preference or objection to the PUD revision provided that the following conditions of approval are met:

- The site improvements must meet the revised requirements of the Silver Oak Development Agreement, and all other applicable Carson City Development Standards and Standard Details.
- The site improvements must meet the requirements set forth in the Conceptual Subdivision Map review letter for CSM-19-175.
- An easement must be provided for the water main that crosses the golf course.
- The water main connection in Silver Oak Drive must be east of the system single check, to ensure the subdivision is connected to the 4960 water pressure zone.

The Engineering Division has reviewed the application within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 17.07.005. The following Tentative Map Findings by the Engineering Division are based on approval of the above conditions of approval:

1. *Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.*
   The requested change has a negligible impact on water and sewer demand and is submitted concurrently with an application for a site improvement permit that decreases the number of units for Block DD from the 92 units that were approved with

the tentative map down to 64. This results in a decreased sewer and water demand from what was previously approved. Sewer, water, storm drain, and traffic impact studies are being reviewed with the site improvement permit.

2. *The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.*
   The City has sufficient system capacity and water rights to meet the required water allocation for the subdivision.

3. *The availability and accessibility of utilities.*
   Water and sanitary sewer utilities are available and accessible.

4. *The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.*
   The road network necessary for the subdivision is available and accessible. The applicant will be required to do a signal warrant analysis at the intersection of Silver Oak Drive and North Carson Street per the requirements of the Silver Oak development agreement.

5. *Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.*
   Development engineering has no comment on this finding.

6. *Conformity with the zoning ordinance and land use element of the city's master plan.*
   Development engineering has no comment on this finding.

7. *General conformity with the city's master plan for streets and highways.*
   The development is in conformance with the city's master plan for streets and highways.

8. *The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision*.
   The existing infrastructure is sufficient to meet the additional demand imposed by the subdivision.

9. *The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.*
   The site is more than 500 feet from the nearest known earthquake fault line according to USGS mapping and is in a FEMA X shaded flood zone which has no special design requirements.

10. *The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.*
    Development engineering has no comment on this finding.

11. *The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.*

The subdivision has sufficient secondary access. The water main analysis submitted with the site improvement plans is being updated to include a fire hydrant flow test to determine available fire flow capacity at the connection points.

12. *Recreation and trail easements*.
    Development engineering has no comment on this finding.

These comments are based on the tentative map plans and reports submitted. All applicable code requirements will apply whether mentioned in this letter or not.

Fire Department
Project must comply with the International Fire Code and northern Nevada fire code amendments as adopted by Carson City.

FINDINGS
Per CCMC Section 17.07.005 (Findings) and Section 17.09.050 (Approval or Denial of Application), the approval or denial of a PUD shall be based on the specific findings outlined below. Staff will first address the findings outlined in Section 17.07.005, followed by the findings outlined in Section 17.09.050.

Section 17.07.005 (Findings):

1. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.

Future development is required to comply with all applicable environmental and health laws concerning water and air pollution and disposal of solid waste.

2. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Water supplied to the development will meet applicable health standards. The proposed modifications will decrease the water demand of the development.

3. The availability and accessibility of utilities.

All utilities are available in the area to serve this development.

4. The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.

The Silver Oak PUD is served by existing schools, sheriff protection, transportation facilities and parks. The proposed modifications will not create increased demand from what existing standards would create. The noted public services are available and accessible.

5. Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.

The proposed modifications will not impact access to public lands.

6. Conformity with the zoning ordinance and land use element of the City's Master Plan.

The proposed modifications are consistent with the zoning. The proposed modifications, specifically the expansion into the open space area is not consistent with the Master Plan designation of open space. If all findings can be met to approve the modification to the PUD, the Master Plan land use map should be updated to re-designate areas designated as Open Space to Medium Density Residential. Currently, the zoning is inconsistent with the Master Plan designation, and the request is consistent with the zoning.

7. General conformity with the City's Master plan for streets and highways.

The development is in conformance with the City's Master Plan for streets and highways.

8. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

The existing infrastructure is sufficient to meet the additional demand imposed by the anticipated development of Blocks "CC," "DD," and "EE" as proposed to be modified.

9. The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.

The site if more than 500 feet from the nearest known earthquake fault line according to USGS mapping and is in a FEMA X-shaded flood zone, which has not special design requirements.

10. The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.

The referenced NRS citations address a tentative map. The Silver Oak PUD tentative map was approved August 31, 1993. The subject request is NOT for a tentative map, but rather to modify the development standards and to expand the boundary of Block DD.

11. The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

Each of the blocks will accommodate secondary access as required by the Fire Code. As part of the site improvement construction plan review, a water main analysis will be conducted to determine the available fire flow capacity at the connection points.

12. Recreation and trail easements.

The proposed modifications will not impact any recreation or trail easement.
.

Section 17.09.050 (Approval or Denial of PUD Application) identifies the findings that must be made with regard to approval of a PUD application, including in what respects the plan would or would not be in the public interest with consideration of the following:

1. In what respects the plan is or is not consistent with the statement of objectives of the Planned Unit Development ordinance.

The request is to modify the standards associated with an existing planned unit development, not to create a new planned unit development. The proposed modifications will not change the permitted uses, will not change the timing of development, and will reduce as opposed to increase the density.

CCMC 17.09.095 identifies specific design standards for planned unit developments. The proposed modifications will not modify any of the specified design standards.

CCMC 17.09.100 requires that a minimum of 30 percent of the gross area of the planned unit development be set aside for open space. The proposed modifications will result in 43.97 percent of the gross area of the planned unit development being set aside for open space, thus retaining compliance with the requirements of a planned unit development.

2. The extent to which the plan departs from zoning and Planned Unit Development regulations otherwise applicable to the property, including but not limited to density, size and use, and the reasons such departures are or are not deemed to be in the public interest.

The proposed plan does not depart from the PUD regulations. Within the parameters of the PUD regulations, the applicant is proposing to modify the development standards including lot coverage and setbacks as well as to change the boundaries of Block DD. As in the original approval of the PUD, the applicant is utilizing a lot size and setbacks that are smaller than that required in the underlying zoning district. The result is 43.97 percent open space with both private and public recreational amenities. The departure from the base zoning regulations is in the public interest.

3. The purpose, location and amount of the open space in the Planned Unit Development, the reliability of the proposals for maintenance and conservation of the open space and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development.

The purpose, location and amount of open space in the PUD is appropriate for the project, and consistent with the requirements. The reduction of 0.94 acres of open space will not compromise the adequacy of the open space. The area of land proposed to be incorporated into Block DD is not a functional part of the golf course. The proposed modifications do not change maintenance responsibilities.

4. A physical design of the plan and in the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, parking requirements, and further the amenities of light and air, recreation and visual enjoyment.

The proposed modifications will reduce the demand on public services. The on-site roadway network in the PUD is adequate for the anticipated vehicular traffic. Of note, per Section VI of the Development Agreement, upon completion of the hotel casino facility, improvement of the Silver Oak Avenue / North Carson Street intersection and signal will be required. To ensure the safety of the intersection, staff recommends that the development agreement be amended to require a signal warrant analysis at the intersection of Silver Oak Drive and North Carson Street at the time of application for site improvement permit for blocks "CC," "DD," and "EE."

5. The relationship, beneficial or adverse, of the proposed Planned Unit Development to the neighborhood in which it is proposed to be established.

The PUD was approved twenty-five years ago. The areas that are subject to the modification are substantially surrounded by open space. Staff finds that the proposed modification will not impact the relationship to the neighborhood any more or less that the existing PUD.

6. In the case of a plan which proposes a development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the Planned Unit Development in the integrity of the plan.

The proposed modification will not impact the phasing plan.

Attachments:

Ordinance 1994-1 (Recorded Document 000155121)
Application PUD-2020-0002

SILVER OAK

DEVELOPMENT AGREEMENT

Exhibit "1"

DEVELOPMENT AGREEMENT

INDEX

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT made and entered into this 16th day of DECEMBER, 1993, by and between SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a Nevada limited partnership as Developer of that certain project known as SILVER OAK, hereinafter referred to as "DEVELOPER," and CARSON CITY, a consolidated municipality of the State of Nevada, hereinafter referred to as "CARSON CITY."

R E C I T A L S:

1. SILVER OAK, is a proposed development encompassing Six Hundred Fifty-One (651) acres of real property, more or less, located in Carson City, Nevada, more particularly described in Exhibit "A".

2. The Master Plan for SILVER OAK ("THE PROJECT") provides that THE PROJECT may be comprised of Eleven Hundred and Eighty-One (1181) dwelling units in varying densities and types, a golf course project and related facilities, hotel casino, commercial areas, residential office areas, open space area, and other uses customarily associated with a planned community.

3. On September 16, 1993, the Carson City Board of Supervisors approved a planned unit development tentative map for Eleven Hundred and Eighty-One (1181) dwelling units, a copy of the official minutes and conditions of approval of such action are

attached hereto as Exhibit "B" and incorporated herein by this reference.

4. One of the conditions of the approvals of the Tentative Planned Unit Development Map was that a Development Agreement be prepared to encompass the entire SILVER OAK property which should set forth the conditions and terms of approval relating to THE PROJECT.

5. DEVELOPER and CARSON CITY mutually desire that THE PROJECT be developed in accordance with this Development Agreement.

6. CARSON CITY and DEVELOPER desire to hereinafter have the provisions of this Development Agreement govern the development activities of THE PROJECT.

For good and valuable consideration, and the mutual covenants, conditions, and promises herein contained, the parties do agree as follows:

I.

PROJECT CHARACTERISTICS

THE PROJECT is a planned unit development project within the SF 12000-PUD, RC-PUD, TC-PUD, RO-PUD, NB-PUD, zoning designations together with all of the uses accessory to and customarily incidental to the above-referenced zones.

Based upon the present tentative planned unit project map, THE PROJECT will be comprised of Eleven Hundred and Eighty-One (1181) single-family dwelling units, a golf course and related facilities, a hotel casino, retail commercial areas, residential office areas, parks and other open space areas.

The aforementioned approval of THE PROJECT planned unit development project and this development agreement shall serve as the intent by CARSON CITY to approve the various phases of THE PROJECT, provided that all of the requisite conditions set forth herein are met.

II.

ADMINISTRATION OF THE PROJECT

THE PROJECT shall be developed in accordance with the approval by the Carson City Board of Supervisors set forth in Exhibit "B" with the following characteristics and requirements:

2.1 Phasing

THE PROJECT development is anticipated to be developed in phases. The projected phasing plan will be sequential as depicted on the proposed phasing schedule attached hereto as Exhibit "C" and incorporated herein by this reference.

Any of the final map phases undertaken by DEVELOPER may proceed concurrently with project review and approvals to expedite the time frames for approval and recording. Nothing herein shall restrict the overlapping of phasing and concurrent developments or a change in the development phasing sequence so long as the terms of this Agreement are adhered to.

As THE PROJECT is recorded in phases, the development of on-site and off-site improvements shall correspond to the phases in question, subject to the satisfaction of the Carson City Community Development and Public Works Director or Utility Department prior to recordation of the final map for each applicable phase.

2.2 Cluster Housing

Contained within the PUD Tentative Map for THE PROJECT are various areas designated for cluster housing. These areas are delineated as Blocks "BB", "CC", "DD", and "EE". These blocks have associated with them maximum allowable densities as follows:

"BB" - 160 Units

"CC" - 145 Units

"DD" - 92 Units

"EE" - 66 Units

These blocks of units shall be developed with a final map for each of the separate blocks, utilizing not more than the maximum allowable density with building types of zero lot line, townhome, common wall or similar units referenced in the project approval.

Development of a block of units shall be by a final map showing the layout and design of the entire block with detail showing typical unit types, private common areas design and characteristics and parking detail.

Cluster housing standards set forth in the approved development matrix restrict lot sizes to not less than four thousand (4,000) square feet with not less than forty (40) foot frontages. Lot coverage cannot exceed thirty-five (35%) percent of the lot area, including covered parking and the height of a unit from finished grade to the ridgeline cannot exceed twenty-eight (28) feet.

Additionally, the front, rear and sideyard characteristics for various units within a clustered housing area are as follows:

* **Front Yard** - Where driveway aprons are provided, 18 feet to garage door measured from back of sidewalk or curb if no sidewalk. Ten foot minimum to living space.

- Where no driveway aprons are provided, 5 feet to garage door. Guest parking spaces must be provided in close proximity to the living unit at a ratio of 0.5 per unit.

- All two story elements must be a minimum of 10 feet from street.

- Two story elements shall not exceed 50% of the structure's frontage.

- Maximum of two units in a row with same set back.

* **Rear Yard** - 10 foot minimum with an average of 15 feet. Ten foot elements must be off set in rear set backs.

- All two story elements must be a minimum of 15 feet from the rear property line.

- 5 feet to garage doors from alleys or rear property lines.

* **Side Yard** - 12 feet on all zero lot or blank wall sides.

- Building to property lines, 7 feet for one story elements and 12 feet for two story elements.

- Building to Building, 15 feet for one story elements and 20 feet for two story elements.

2.3 Utility Connections

Within THE PROJECT, telephone, gas, and electrical power shall be provided by DEVELOPER to the building sites or dwelling unit and shall be placed underground to each lot or parcel.

Public utility easements shall be granted and set forth on the final maps.

2.4 School Site

DEVELOPER has agreed to dedicate a ten (10) acre school site to the Carson City School District with the provision that the playground area shall be open for public use and for the Carson City Recreation Department, pursuant to the Joint Use Agreement between the Carson City School District and Carson City.

2.5 Final Map Financial Assurances

The approval of the anticipated final maps on each phase of THE PROJECT shall require a bond, cash deposit, lender set aside letter, letter of credit, an irrevocable certificate of deposit or other approved security to ensure completion of all or any portion of the public improvements within such phase equal to the approved engineer's cost estimate. DEVELOPER, at its discretion and option, may install any such public improvements within any phase prior to the recordation of that phase's final map in lieu of posting such security. Public improvements include streets, sewer collection system, electric, water distribution systems, drainage system improvements and gas lines where the same are dedicated to public agency or body. Any assurance provided shall be periodically reduced in accordance with City approval in order that the entire assurance will be exonerated on final completion or improvement construction, except for a ten percent (10%) retention in accordance with CCMC 17.28.030.

2.6 Grading, Drainage, and Erosion Control Measures

The grading, drainage, and erosion control plan for each phase shall be submitted with the final map for each of the various phases of THE PROJECT and shall be subject to approval by the City. The drainage design shall be in accordance with CCMC 17.36.030.

2.7 Restrictive Covenants

Prior to the filing of the final map for the first phase of THE PROJECT, DEVELOPER shall prepare and submit to the City, Covenants, Conditions and Restrictions (CC&Rs) intended to apply to THE PROJECT. Said CC&Rs shall be reviewed by the Carson City Community Development Department and the Carson City District Attorney's Office.

2.8 Expiration by Inaction

This Agreement adopted pursuant to CCMC 17.21.010 et seq. requires that THE PROJECT shall be diligently pursued and the approvals referenced above (if no extension has been granted) shall expire if the final map and commencement of construction for Phase 1 of THE PROJECT is not recorded and begun by September 15, 1995. In such event, DEVELOPER must make reapplication to CARSON CITY as if it were seeking approval for a new project. If the map for Phase 1 is recorded prior to September 15, 1995, this Agreement shall automatically extend the time for an additional two (2) year period from said date within which the next succeeding map for the next succeeding phase must be filed. So long as DEVELOPER files each phase within the two (2) year extension period provided in this Agreement, as envisioned herein, this Agreement shall remain

in full force and effect. DEVELOPER may request additional extensions beyond that date contemplated above if done in writing prior to expiration.

2.9 Further Covenants

CARSON CITY shall not require any payments, contributions, economic concession, other conditions for approvals, or authorizations or permits, contemplated within or by this Development Agreement other than as provided herein, or as provided in the Board of Carson City Supervisor's approval of September 16, 1993.

2.10 Mutual Cooperation

CARSON CITY shall cooperate with DEVELOPER to obtain all necessary approvals, permits or to meet other requirements which are or may be necessary to implement the intent of THE PROJECT approval in this Agreement. Nothing contained within this paragraph, however, shall require CARSON CITY or its employees to function on behalf of DEVELOPER nor shall this Agreement be construed as an implicit pre-approval of any further actions required by CARSON CITY.

2.11 Variances

As part of the approval of THE PROJECT, the DEVELOPER and CARSON CITY agreed that to avoid piecemeal, individual variance requests that THE PROJECT would be allowed the following specific variances from the otherwise applicable provisions of CCMC:

Cluster Area

a) The cluster housing area height of units is varied from twenty-six (26) feet to twenty-eight (28) feet.

b) Roadways in the cluster areas may be reduced from thirty-six (36) feet in width to twenty-six (26) feet in width provided that parking courts within the clustered housing area are created.

c) Lot size, set backs and configurations are to be in accordance with the standards set forth in Paragraph 2.2 hereof.

Remaining Residential Area

a) Except for residential lots within THE PROJECT, which abut existing residential structures where height is limited to twenty-two (22) feet from final grade, the height is otherwise varied from twenty-six (26) feet to twenty-eight (28) feet from finished grade to the ridgeline.

b) Roadway widths are varied from thirty-six (36) feet to thirty-two (32) feet of paved section within neighborhood areas and local streets with sidewalk and bicycle paths on one side of the street. Cul de sacs are not required to have sidewalks. All streets may utilize "rolled curb and gutter".

c) Front, rear and sideyard set backs are varied by lot size as follows:

* **Front Yard**

6000 to 7000 Sq. Ft. Lots

- 18 feet to garage door from back of sidewalk or curb if no sidewalk.

- 15 feet to living area or turn-in garage if average is 20 feet.

7001 to 8500 Sq. Ft. Lots

- 20 foot minimum with an average of 25 feet.

8501 Sq. Ft. to 15000 Sq. Ft.

- 25 minimum with an average of 30 feet.

15000 St. Ft. and Greater

- 35 minimum with an average of 40 feet.

* **Rear Yard**

6000 to 7000 Sq. Ft.

- Not including uncovered patios and decks, 15 feet minimum with an average of 20 feet. Fifteen foot elements must be off set where rear lots adjoin.

- 20 foot minimum to two story elements.

7001 to 8500 Sq. Ft.

- 20 foot minimum, excluding uncovered patios and decks.

8501 Sq. Ft. to 15000 Sq. Ft.

- 25 foot minimum, excluding uncovered patios and decks.

15000 Sq. Ft. and Greater

- 35 foot minimum with an average of 40 feet.

- With the lot depth of over 200 feet, the minimum shall be 60 feet, except for tennis courts or non-enclosed pools and ancillary decks.

* **Side Yard**

6000 to 7000 Sq. Ft.

- Minimum 5 feet with a total of 15 feet.
- 10 feet to all two story elements.
- Add 5 feet to all above set backs for corner lots.

7001 to 8500 Sq. Ft.

- Minimum 8 feet with a total of 20 feet.
- 15 feet to all two story elements.
- Add 5 feet to all set backs for corner lots.

8501 Sq. Ft. to 15000 Sq. Ft.

- Minimum 10 feet with a total of 25 feet.
- 20 feet to all two story elements.

* **Side Yard**

6000 to 7000 Sq. Ft.

- Minimum 5 feet with a total of 15 feet.
- 10 feet to all two story elements.
- Add 5 feet to all above set backs for corner lots.

7001 to 8500 Sq. Ft.

- Minimum 8 feet with a total of 20 feet.
- 15 feet to all two story elements.
- Add 5 feet to all set backs for corner lots.

8501 Sq. Ft. to 15000 Sq. Ft.

- Minimum 10 feet with a total of 25 feet.
- 20 feet to all two story elements.

- Add 10 feet to all set backs for corner lots.

15000 Sq. Ft. and Greater

- Minimum of 20 feet with a total of 45 feet.

- Minimum of 25 feet to all two story elements.

- With lot widths of over 200 feet, the sideyard shall be not less than 40 feet with a total of 100 feet.

d) Patio areas and decks inclusive of covers and window awnings are allowable within rear, side and front yard set backs subject to Architectural Review Committee approval.

e) The twenty-five (25) foot peripheral boundary set back is eliminated.

III.

PUBLIC SAFETY COMPONENTS

3.1 Fire

All construction shall be in accordance with the Nevada Fire Code and applicable Carson City requirements.

The project shall be connected to the Carson City water system for fire suppression service, including construction of the necessary improvements to the satisfaction of CARSON CITY.

3.2 Lighting

The DEVELOPER shall install low-glare lighting at locations approved by the Carson City Sheriff's Office and the Public Works Department and may utilize distinctive lamp posts compatible with the architectural characteristics of THE PROJECT.

IV.

PROJECT WATER AND WASTEWATER SYSTEM COMPONENTS

The DEVELOPER shall comply with the provisions of the Carson City Municipal Code, and make a perpetual offer of dedication of the sewer system, and water system sufficient to provide fire and domestic flows, to the satisfaction of the Carson City Public Utility Department. The project subdivision shall be connected to the Carson City water system for domestic service.

The project shall be connected to the Carson City wastewater treatment plant for sewer service. At such time as a phase of THE PROJECT will have the effect of diminishing the fire flow below the applicable provisions of the Uniform Fire Code or reduce the peak water pressure below 60 PSI, unless otherwise agreed to by the Carson City Public Utility Department, then the DEVELOPER shall construct a booster pumping plant and a water storage facility of approximately two million (2,000,000) gallons

in a location to be agreed upon with the Carson City Utility Department. The construction of the tank will be subject to the reimbursement provisions of Article 9.2 hereof.

The DEVELOPER agrees to donate and convey to Carson City a well-site in the location selected by the Carson City Utility Department in the northwesterly portion of THE PROJECT as depicted on THE PROJECT'S PUD tentative map.

The DEVELOPER and CARSON CITY shall enter into an agreement for the delivery and use of effluent or reuse water to the SILVER OAK PROJECT.

V.

OPEN SPACE

5.1 Construction

In connection with the approval of Planned Unit Development, the DEVELOPER has indicated that the phasing of the improvements of open space areas, other than the golf course and related facilities, but specifically the bike and pedestrian paths, pocket parks and shared use areas with the Carson City School District will proceed on a basis concurrent with each phase of development as specified in the conditions of approval.

It is specifically acknowledged that the DEVELOPER may utilize residential construction tax (RCT) monies or credits attributable only to units within THE PROJECT for construction of the park facility, the pedestrian and bike paths along Winnie Lane, Ormsby Boulevard, Community College Parkway and Silver Oak Drive

which shall be dedicated to Carson City. All other parkways, bicycle paths or parks shall be constructed with DEVELOPER funds.

Should the RCT funds be insufficient to construct the improvements, the DEVELOPER shall provide the additional funds.

5.2 Maintenance

After completion of the open space improvements which are to be conveyed to Carson City, the DEVELOPER shall maintain the improvements for a period of two (2) years before dedication and maintenance by Carson City is accepted.

VI.

TRANSPORTATION IMPROVEMENT COMPONENTS

6.1 Internal Local Project Roads

All internal roads within THE PROJECT shall be built to Carson City Municipal Code Standards (except where variances have been requested and granted) and dedicated to CARSON CITY. Roadway standards for THE PROJECT as varied are set forth in THE PROJECT application street detail on the PUD tentative map.

6.2 Collector Roadway Improvements

Ormsby Blvd., will be improved in the roadway section depicted in the project approval on a phased basis corresponding to the Exhibit "C" phasing schedule.

Community College Parkway (formerly Graves and Nye) will be expanded to the roadway section depicted in the project approval from Ormsby to Ivy Baldwin Drive when traffic reaches service level C, or when there are 30,000 average daily trips or earlier at the DEVELOPER'S discretion, but not later than the completion of the

Block 'L' residential units. The balance of Community College Parkway from Ormsby to the westerly edge of the project will be expanded to the roadway section depicted in the project approval in conjunction with the completion of the adjoining residential units.

Ivy Baldwin Drive will be completed to the roadway section depicted in the project approval from Community College Parkway to Country Club Court prior to opening of the golf course. The remainder of Ivy Baldwin Drive will be completed to Silver Oak Avenue in conjunction with the completion of hotel casino facility or the commencement of Phase VI whichever first occurs. Completion of the hotel casino facility will require the completion of the improvements of the Silver Oak Avenue/U.S. Highway 395 intersection and signal.

At such time as the traffic flow at the intersection of Ivy Baldwin Drive and Community College Parkway warrant signalization in the opinion of the Public Works Director, the DEVELOPER shall install a signal or other required intersection control.

VII.

PROJECT CONSTRUCTION REQUIREMENTS

All construction of THE PROJECT shall be done in accordance with the Standards Specification For Public Works Construction as adopted by CARSON CITY and all their applicable state and local codes, ordinances and statutes except as varied by the Project Approval.

The DEVELOPER may apply for and receive building permit allocations prior to the recordation of a final map. However, the DEVELOPER may not receive actual building permits until such time as the DEVELOPER has recorded a final map either through the completion of the improvements, or posting financial assurances for such improvements, for any applicable phase of THE PROJECT. These improvements shall include those improvements applicable to that phase including paved streets, curbs, gutters, underground utilities, water, sewer and drainage.

7.1 Grading and Slope

The DEVELOPER shall provide CARSON CITY with a development plan that specifies grading practices, extent of grading allowed at one time, a dust suppression program, and erosion control and revegetation measures that effectively mitigate blowing dust and soil erosion problems associated with development of the site to the satisfaction of CARSON CITY. The applicant shall obtain an Air Quality permit and implement the approved plan and provide the State of Nevada or CARSON CITY with financial security for the required mitigation measures.

VIII.

DEFAULTS, REMEDIES, TERMINATION

8.1 General Provisions

Subject to extensions of time by mutual consent in writing, failure or unreasonable delay in performing any term or provision of this Development Agreement shall constitute a default. In the event of alleged default or breach of any terms or

conditions of this Development agreement, the party alleging such default or breach shall give the other party not less than thirty (30) days notice in writing, specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured. During any such thirty (30) day period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings, or issuance of any building permit.

After notice and expiration of the thirty (30) day period, the nondefaulting party to this Development Agreement, at its option, may institute legal proceedings pursuant to this Agreement. Following notice of intent to terminate, the matter shall be scheduled for consideration and review by CARSON CITY.

Following consideration of the facts and evidence presented in said review before CARSON CITY, either party alleging the default by the other party may give written notice of termination of this Development Agreement to the other party.

Evidence of default may also arise in the course of periodic review of this Development Agreement. If either party determines that the other party is in default following the completion of the normal periodic review, said party may give written notice of termination of this Development Agreement as set forth in this section, specifying in said notice the alleged nature of the default, and potential actions to cure said default where appropriate. If the alleged default is not cured within sixty (60) days or within such longer period specified in the notice, or if

the defaulting party waives its right to cure such alleged default, this Development Agreement shall be deemed terminated.

It is hereby acknowledged and agreed that any portion of THE PROJECT which is the subject of a final map shall not be affected by or jeopardized in any respect by any subsequent default affecting THE PROJECT. In the event CARSON CITY does not accept, review, approve or issue necessary permits or entitlements for use in a timely fashion as defined by this Development Agreement, or as otherwise agreed to by the parties, or CARSON CITY otherwise defaults under the terms of this Development Agreement, CARSON CITY agrees that DEVELOPER shall not be obligated to proceed with or complete THE PROJECT, or any phase thereof, nor shall resulting delays in DEVELOPER's performance constitute grounds for termination or cancellation of this Development Agreement.

8.2 Enforced Delay, Extension of Time of Performance

In addition to specific provisions of this Development Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walk-outs, riots, floods, earthquakes, avalanches, inclement weather, fires, casualties, acts of God, governmental restrictions imposed or mandated by other governmental entities, not parties to this Agreement, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation, or similar bases for excused performance. If written notice of such delay is given to CARSON CITY within thirty (30) days of the commencement of such delay, an

extension of time for such cause shall be granted in writing for the period of the enforced delay, as may be mutually agreed upon.

In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation.

IX.

MISCELLANEOUS

9.1 Carson City Code

THE PROJECT shall comply with all ordinances and fees adopted by CARSON CITY, applied on a uniform basis to all development projects in CARSON CITY.

Final maps shall comply with the Exhibit "B" conditions and be recorded in accordance with all applicable CARSON CITY ordinances.

The proposed development shall be in accord with the objective of Title 17 of Carson City Municipal Code.

Should any provision of this Agreement be deemed to be in conflict with the Exhibit "B" conditions of approval, the Exhibit "B" conditions shall control.

9.2 Cost Reimbursement

To the extent that the DEVELOPER constructs water line, sewer line, or roadway improvements which are oversized or in excess of the standard required to offset the impact attributable to DEVELOPER'S PROJECT, the DEVELOPER shall receive a prorata reimbursement for such oversized improvements. The reimbursement

shall be the subject of a specific reimbursement agreement for each such oversized project. The reimbursement will be paid to the DEVELOPER at such time as a third party entity, inclusive of CARSON CITY utilizes the benefit of such oversized improvements.

X.

APPLICABLE LAW AND ATTORNEYS' FEES

This Development Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Should any legal action be brought by either party relating to this Development Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the court.

XI.

SUCCESSORS AND ASSIGNS

The parties hereto agree that the terms and conditions of this Agreement shall bind and inure to the benefit of the parties' successors and assigns.

XII.

ENTIRE AGREEMENT

This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, and supersedes all other agreements, written or oral, between the parties with respect to such subject matter.

XIII.

HOLD HARMLESS AND INDEMNIFICATION

DEVELOPER hereby agrees to, and shall hold CARSON CITY, its elective and appointive boards, commissions, officers, agents and employees harmless from any liability for damage or claims for property damage which may arise from DEVELOPER's or DEVELOPER's contractors', subcontractors', agents', or employees' operations under this Development Agreement, whether such operations by DEVELOPER or by any of DEVELOPER's contractors, subcontractors, or by any one or more person directly or indirectly employed by, or acting as agent for DEVELOPER or any of DEVELOPER's contractors or subcontractors. DEVELOPER agrees to, and shall defend CARSON CITY, its elective and appointive boards, commissions, officers, agents and employees, from any suits or actions at law or in equity for damage caused or alleged to have been caused by reason of the aforesaid operations.

XIV.

PROJECT AS PRIVATE UNDERTAKING

It is specifically understood and agreed by and between the parties hereto that the subject PROJECT is a private development and no partnership, joint venture or other association of any kind is formed by this Development Agreement. The only relationship between CARSON CITY and DEVELOPER is that of a government entity regulating the development of private property within the parameters of applicable law and the owner of such private property.

XV.

FURTHER ASSURANCES

In the event of any legal action instituted by any third party or other government entity or official challenging this Development Agreement, CARSON CITY and DEVELOPER shall cooperate and use their best efforts in defending any such action.

Effective this 16th day of December, 1993.

"DEVELOPER"

SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a Nevada limited partnership
By its General Partner,
GTS, PARTNERS INC., a Nevada corporation

By: _____
GARTH RICHARDS
Its President

By: _____
THOMAS BROWN
Its Vice President

By: _____
STEPHEN D. HARTMAN
Its Secretary

"CARSON CITY"

By: _____
MARV TEIXERIA
Mayor of Carson City

APPROVED AS TO FORM:

By: _____
PAUL LIPPARELLI, ESQ.
CARSON CITY DEPUTY DISTRICT ATTORNEY

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 16th day of December, 1993, before me, a notary public, personally appeared GARTH RICHARDS, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Virginia A. Powell
NOTARY PUBLIC

VIRGINIA A. POWELL
NOTARY PUBLIC - NEVADA
WASHOE COUNTY
My Appt. Expires April 1, 1994

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 27th day of December, 1993, before me, a notary public, personally appeared THOMAS BROWN, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Virginia A. Powell
NOTARY PUBLIC

VIRGINIA A. POWELL
NOTARY PUBLIC - NEVADA
WASHOE COUNTY
My Appt. Expires April 1, 1994

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 16th day of December, 1993, before me, a notary public, personally appeared STEPHEN D. HARTMAN, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Virginia A. Powell
NOTARY PUBLIC

STATE OF NEVADA)
: ss.
CARSON CITY)

VIRGINIA A. POWELL
NOTARY PUBLIC - NEVADA
WASHOE COUNTY
My Appt. Expires April 1, 1994

On this 6th day of January, 1994, before me, a notary public, personally appeared Mavu Teixeira, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Katherine L. McLaughlin
NOTARY PUBLIC

KATHERINE L. McLAUGHLIN
NOTARY PUBLIC
NEVADA
LYON COUNTY
My Appt Exp Sept 21 1995

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 29th day of December, 1993, before me, a notary public, personally appeared PAUL LIPPARELLI, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Jeri L. Mihelic
NOTARY PUBLIC

JERI L. MIHELIC
NOTARY PUBLIC - NEVADA
DOUGLAS COUNTY
My Appt. Exp. Feb. 28, 1996

000155121

EXHIBIT "A"

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN CARSON CITY, NEVADA, AND IS DESCRIBED AS FOLLOWS:

A portion of the southeast 1/4 of Section 6, Township 15 North, Range 20 East, M.D.B. & M., described as follows:

Parcel 4 as shown on the Amended Parcel Map for SILVER OAK DEVELOPMENT COMPANY, filed in the office of the Carson City Recorder on October 13, 1993, in Book 7 of Maps, Page 2030, File No. 150922.

Parcels A, B, C, and D as set forth on parcel map for MARSHALL S. ASHCRAFT, filed for record in the office of the Carson City Recorder on April 27, 1982, in Book 4, Page 926 as Document No. 10863, Official Records of Carson City, Nevada.

Together with an easement for ingress and egress as set forth in document filed for record in the office of the Carson City Recorder on September 4, 1979 in Book 260, Page 517 as Document No. 90505 Official Records of Carson City, Nevada.

A parcel of land over and across a portion of the Southwest 1/4 of the Northeast 1/4 of Section 6, Township 15 North, Range 20 East, M.D.B.&M., and described more fully by metes and bounds as follows, to-wit:

Beginning at a point 48 feet left or westerly, and at right angles to HIGHWAY ENGINEER'S STATION "O S1 "85+60.00 P.O.T. said point further described as bearing South 29°52'02" East, a distance of 1526.08 feet from the south quarter corner of Section 31, Township 16 North, Range 20 East, M.D.B.&M., thence South 25°13'03" East along the left or Westerly 48.00 foot highway right of way line a distance of 136.11 feet to an intersection with the Southerly boundary of said property, thence North 49°32'03" West along the Westerly boundary of said property a distance of 234.80 feet to an intersection with North East-West one-sixteenth section line of said Section 6; thence South 84°08'30" East a distance of 56.16 feet to a point; thence South 70°03'01" East a distance of 68.90 feet to the point of beginning.

that the barricades should remain until the stop signs are installed. Both Supervisors Tatro and Bennett felt it was necessary to keep the one barricade at Desatoya and Airport Road until another alternative is created. Mayor Teixeira then passed the gavel to Mayor Pro-Tem Bennett and moved that the Board instruct the Public Works Department to remove all the barricades in the area that are presently there and, 1. To install two stop signs on Woodside Drive at the best points, which the map indicates the ideal areas may be at Monte Rosa and a second point, 2. To install two stop signs on Desatoya, which could be Monte Rosa and Siskiyou, and due to the point that the traffic needed to be slowed down on the streets leading into the Empire School, 3. To install a stop sign at the intersection of Airport and Gordonia, which should slow the traffic prior to the left turn. He then directed staff to work with the community and return if additional changes are necessary. Supervisor Smith seconded the motion. Discussion ensued on the locations for stop signs. Supervisor Tatro suggested the motion be amended to include a three-way stop at Gordonia and Monte Rosa, however, following discussion felt it was not feasible. Mr. Homann indicated the barricades could be removed tomorrow, however, was unsure when the stop signs could be installed but felt that a week was possible. Supervisor Smith suggested the motion be amended to include Public Works to bring back other alternatives for resolving the problem for the entire area. Mayor Teixeira felt this had been addressed in his statement that it was a start and could be modified as time requires. Clarification for both Mr. O'Brien and Mr. Lipparelli indicated Mayor Teixeira's number of stop signs did not mean the number to be installed at one location but rather the number of sites to be located on that street--two separate sites on Woodside and two on Desatoya. Mr. O'Brien requested clear direction that the signs on Woodside be at Siskiyou and Monte Rosa. Mayor Teixeira agreed to "try it". Mr. O'Brien noted that none of the intersections warranted stop signs. Mayor Teixeira then amended his motion to place stop signs on Woodside at Monte Rosa and at Woodside and Siskiyou. He then clarified his motion to indicate there would be stop signs at La Loma and Monte Rosa. Supervisor Smith continued his second. Mayor Teixeira indicated the recommendations made by Mr. O'Brien would be the ones "we will go with". Supervisor Smith continued his second. The motion as amended was voted by roll call with the following results: Ayres - Yes; Tatro - No; Smith - Yes; Teixeira - Yes; and Mayor Pro-Tem Bennett - Yes. Motion carried 4-1.

BREAK: An eight minute recess was declared at 7:18 p.m. When the meeting reconvened at 7:26 p.m. the entire Board was present constituting a quorum. Mayor Pro-Tem Bennett returned the gavel to Mayor Teixeira.

13. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan, Parks and Recreation Director Steve Kastens, Senior Planner Juan Guzman, and Associate Planner Sandra Danforth

A. PLANNING COMMISSION REVIEW AND APPEAL ITEMS - ACTION ON MPA-93/94-1 - A MASTER PLAN AMENDMENT REQUEST FROM G.T.S. PARTNERS, INC. (PROPERTY OWNERS: SILVER OAK DEVELOPMENT COMPANY, MARSHALL ASHCRAFT AND NEVADA CHILDREN'S FOUNDATION) TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM

COMMERCIAL AND SUBURBAN RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL AND COMMERCIAL, AND TO AMEND THE STREETS AND HIGHWAYS MASTER PLAN ELEMENT REGARDING THE REALIGNMENT OF THE PROPOSED GRAVES LANE TO COMBS CANYON ROADWAY TO CONNECT INSTEAD WITH WEST NYE LANE NEAR THE WESTERN NEVADA COMMUNITY COLLEGE, ON APPROXIMATELY 683 ACRES OF LAND LOCATED IN THE NORTHWEST PORTION OF CARSON CITY BETWEEN U.S. HIGHWAY 395 ON THE EAST, THE WESTERN NEVADA COMMUNITY COLLEGE CAMPUS AND THE UNIVERSITY HEIGHTS SUBDIVISION ON THE WEST, WINNIE LANE ON THE SOUTH AND THE EAGLE VALLEY CHILDREN'S HOME ON THE NORTH, ASSESSOR'S PARCEL NUMBERS 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, AND 7-091-68 (PORTION) - (PLANNING COMMISSION APPROVED 7-0-0-0)

B. ORDINANCE - FIRST READING - ACTION ON Z-93/94-1 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBERS 8-061-02 AND 17, 7-091-55, 56, 57, AND 7-091-68 (PORTION), SAID PARCELS BEING LOCATED IN THE NORTHWEST PORTION OF CARSON CITY, WEST OF HIGHWAY 395, SOUTH OF EAGLE VALLEY CHILDREN'S HOME, NORTH OF WINNIE LANE, EAST OF WESTERN NEVADA COMMUNITY COLLEGE AND UNIVERSITY HEIGHTS SUBDIVISION IN CARSON CITY, NEVADA, FROM SINGLE FAMILY TWO ACRE (SF2A), SINGLE FAMILY ONE ACRE (SF1A), SINGLE FAMILY 12,000 (SF12000), AND CONSERVATION RESERVE (CR) TO SINGLE FAMILY 12,000-PUD (SF12000-PUD), RETAIL COMMERCIAL-PUD (RC-PUD), TOURIST COMMERCIAL-PUD (TC-PUD), RESIDENTIAL OFFICE-PUD (RO-PUD), AND NEIGHBORHOOD BUSINESS-PUD (NB-PUD) ZONING (PLANNING COMMISSION APPROVED 7-0-0-0)

C. PLANNING COMMISSION REVIEW ITEMS

i. ACTION ON P-93/94-1 - A REQUEST FROM G.T.S. PARTNERS, INC. (PROPERTY OWNERS: SILVER OAK DEVELOPMENT COMPANY, MARSHALL ASHCRAFT AND NEVADA CHILDREN'S FOUNDATION) FOR A SF12000 PLANNED UNIT DEVELOPMENT (SILVER OAK PLANNED UNIT DEVELOPMENT) ON APPROXIMATELY 683 ACRES OF LAND; THE PROPOSED DEVELOPMENT WILL CONSIST OF APPROXIMATELY 308 ACRES OF OPEN SPACE; APPROXIMATELY 78.9 ACRES OF COMMERCIAL AREA; APPROXIMATELY 13.6 ACRES FOR PARK/SCHOOL SITE; APPROXIMATELY 225.2 ACRES FOR SINGLE FAMILY AND CLUSTER RESIDENTIAL DEVELOPMENT (FOR A TOTAL OF 1,181 LOTS); AND APPROXIMATELY 59.9 ACRES OF ROADWAYS; THE REQUEST ALSO INCLUDES VARIANCES FOR FRONT, SIDE AND REAR SETBACKS; BUILDING HEIGHTS; LOT SIZE AND WIDTHS; ROADWAY WIDTH; AND PERIPHERAL BOUNDARY SETBACKS; THE AREA IS CURRENTLY ZONED RETAIL COMMERCIAL (RC), SINGLE FAMILY ONE ACRE(SF1A), SINGLE FAMILY 12,000 (SF12000), SINGLE FAMILY TWO ACRES (SF2A), AND CONSERVATION RESERVE (CR); THE PROPERTY IS LOCATED IN THE NORTHWEST PORTION OF CARSON CITY BETWEEN HIGHWAY 395 ON THE EAST, THE WESTERN NEVADA COMMUNITY COLLEGE CAMPUS AND UNIVERSITY HEIGHTS SUBDIVISION ON THE WEST, WINNIE LANE ON THE SOUTH AND THE EAGLE VALLEY CHILDREN'S HOME ON THE NORTH; ASSESSOR'S PARCEL NUMBERS 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, AND 7-091-68 (PORTION) - (PLANNING COMMISSION APPROVED 7-0-0-0)

ii. ACTION ON U-93/94-6 - A SPECIAL USE PERMIT APPLICATION FROM SILVER OAK DEVELOPMENT COMPANY TO ALLOW DEVELOPMENT OF A SUPER K-MART BUSINESS ON A PARCEL OF LAND DIVIDED BY FOUR ZONING DISTRICTS (RETAIL COMMERCIAL (RC), SINGLE FAMILY ONE ACRE (SF1A), SINGLE FAMILY 12,000

(SF12000), AND SINGLE FAMILY TWO ACRES (SF2A) ON APPROXIMATELY 540.88 ACRES OF LAND LOCATED IN THE NORTHWEST PORTION OF CARSON CITY BETWEEN U.S. HIGHWAY 395 ON THE EAST, THE WESTERN NEVADA COMMUNITY COLLEGE CAMPUS AND UNIVERSITY HEIGHTS SUBDIVISION ON THE WEST, WINNIE LANE ON THE SOUTH AND THE EAGLE VALLEY CHILDREN'S HOME ON THE NORTH ON A PORTION OF ASSESSOR'S PARCEL NUMBER 8-061-02 - (PLANNING COMMISSION APPROVED 7-0-0-0) (3-1265) - Steve Hartman, Traffic Engineer Gordan Shaw, Project Engineer George Thiel - Mr. Guzman noted for the record that the period for filing an appeal had passed without anyone filing an appeal. Mr. Hartman thanked staff and the community for its assistance throughout the process. Discussion among the Board, Mr. Hartman and staff included the (3-2389) (4-0525) ten-foot bike/park paths, the senior citizen housing cluster, (4-0105) inclusion of the V&T right-of-way in the open space calculations, reasons the commercial and cluster area open spaces were not included in the open space calculations, signalization sites and plans for the intersection of Ormsby and Community College Drive, the location of other signals, K-Mart and the project's drainage plans, low glare lighting, project roofing and architectural design plans, maintenance of the bike/park areas, various terms in the Super K/K-Mart contract, the golf course's effluent irrigation plans, location of and access to the school/park site, the joint school/park use plans, the block wall fence and screening efforts between the school and K-Mart, (4-1025) the number and size of the "lakes", access routes from the southern developed areas including streets which would reach K-Mart, Kimberly Meadows Drive, arterials Ivy Baldwin Drive and Community College Parkway, and their signalization. (4-0975) Discussion between Mayor Teixeira and Mr. Guzman emphasized that the final project would be similar to the matrix.

(4-1328) BREAK: At 8:50 p.m. a ten minute recess was declared. When the meeting reconvened at 9 p.m. the entire Board was present constituting a quorum.

(4-1335) Doretta Brown expressed her concern that the block wall fence would not stop individuals at the school from reaching K-Mart. Jim Robertson supported the project. Walter Sullivan, representing several adjacent property owners in the Dartmouth Drive area, outlined the residents' concerns and thanked staff and the developer for resolving those issues. Mr. Sullivan noted that he had not participated in staff's review of the development due to the potential conflict of interest.

Discussion ensued among the Board, Mr. Hartman, and Mr. Kastens on the height of the block and the project's Residential Construction Tax program.

(4-1910) Supervisor Tatro noted his normal procedures for considering Board items. In this case, however, due to the magnitude of the project, he had previously heard and discussed the project. All of those concerns were contained within the supporting documentation. The Planning Commission's recommendations and the lack of community concern at this stage indicated the work the developer had undertaken to meet the needs and concerns of the community. He commended the developer on the quality and dedication of the project. Mr. Hartman noted there had been numerous meetings on the

EXHIBIT B

project. He felt that the project was acceptable due to the staff and the neighbors' knowledge of the issues and everyone's willingness to cooperate. He commended all of the participants on their efforts.

(4-2102) Discussion among the Board and Mr. Hartman returned to the bike path along Community College Parkway. Mr. Hartman agreed to put another four foot path along the south side of the street. Supervisor Ayres noted the Parks and Recreation Commission had considered this issue and would support Mayor Teixeira's request. Supervisor Smith noted that the project would take many years to develop and Growth Management's control. Mr. Hartman explained the developers' plans were to "sell lots" but they could construct some of the homes. It would have at least a ten year buildout/sellout. The project is subject to Growth Management. Mr. Guzman entered into the record the following: 1. A letter from the Army Corps of Engineers indicating the area did not contain any wetlands; 2. A letter from the current K-Mart Manager supporting the K-Mart project; and 3. A petition containing over 1,300 signatures supporting K-Mart.

(4-2507) Supervisor Tatro moved that the Board approve a Master Plan Amendment request from G.T.S. Partners, Inc., Property Owners: Silver Oak Development Company, Marshall Ashcraft, and Nevada Children's Foundation, MPA 93/94-1, to amend the Master Plan Land Use Designation from Commercial and Suburban Residential and Low Density Residential to Low Density Residential and Commercial and to amend the Streets and Highways Master Plan element regarding the realignment of the proposed Graves Lane to Combs Canyon Roadway to connect instead with West Nye Lane near the Western Nevada Community College campus and University Heights subdivision on the west, Winnie Lane on the south and the Eagle Valley Children's Home on the north; Assessor's Parcels Number 8-061-02 and 17, 7-091-55, 56, 57, 58, and 68 based on the findings and conditions contained in the staff report and the Planning Commission recommendation. Mr. Guzman noted there were no conditions. Supervisor Bennett seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board introduce Bill No. 149 on first reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBERS 8-061-02 AND 17, 7-091-55, 56, 57, 58, AND 7-091-68 (PORTION), SAID PARCELS BEING LOCATED IN THE NORTHWEST PORTION OF CARSON CITY, WEST OF HIGHWAY 395, SOUTH OF EAGLE VALLEY CHILDREN'S HOME, NORTH OF WINNIE LANE, EAST OF WESTERN NEVADA COMMUNITY COLLEGE AND UNIVERSITY HEIGHTS SUBDIVISION IN CARSON CITY, NEVADA, FROM SINGLE FAMILY TWO ACRE (SF2A), SINGLE FAMILY ONE ACRE (SF1A), SINGLE FAMILY 12,000 (SF12000), AND CONSERVATION RESERVE (CR) TO SINGLE FAMILY 12,000-PUD (SF12000-PUD), RETAIL COMMERCIAL-PUD (RC-PUD), TOURIST COMMERCIAL-PUD (TC-PUD), RESIDENTIAL OFFICE-PUD (RO-PUD), AND NEIGHBORHOOD BUSINESS-PUD (NB-PUD) ZONING. Supervisor Bennett seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board approve a request from G.T.S. Partners, Inc.; property owners: Silver Oak Development Company, Marshall Ashcraft, and Nevada Children's Foundation; P-93/94-1 for a SF12000 Planned Unit Development, Silver Oak Planned Unit Development, on approximately 683 acres of land; the proposed development will consist of approximately 308 acres of open space; approximately 78.9 acres of commercial area; approximately 13.6 acres for park/school site; approximately 225.2 acres for single family and cluster residential development, for a total of 1,181 lots; and approximately 59.9 acres of roadways; the request also includes variances for front, side and rear setbacks; building heights; lot size and widths; roadway width; and peripheral boundary setbacks; the area is currently zoned Retail Commercial, Single Family One Acre, Single Family 12,000, Single Family Two Acres, and Conservation Reserve on property located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights Subdivision on the west, Winnie Lane on the south, and the Eagle Valley Children's Home on the north; Assessor's Parcel Numbers 8-061-02, 8-061-17, 7-091-55, 56, 57, 58, and 68 based on the findings and subject to the conditions and stipulations contained in the staff report and Planning Commission recommendation. Supervisor Ayres seconded the motion. Clarification noted that the total acreage was 651 acres and Supervisor Tatro so amended his motion. Supervisor Ayres continued her second. Motion carried 5-0.

(4-2735) Mr. Guzman requested the Board clarify Condition 20 of the Special Use Permit and explained the condition and amendment. Mr. Hartman agreed to the amendment. Supervisor Tatro then moved that the Board approve U-93/94-6, a Special Use Permit application from Silver Oak Development Company to allow development of a Super K-Mart business on a parcel of land divided by four zoning districts, Retail Commercial, Single Family One Acre, Single Family 12,000, and Single Family Two Acres, on approximately 540.88 acres of land located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights Subdivision on the west, Winnie Lane on the south, and the Eagle Valley Children's Home on the north on a portion of Assessor's Parcel Number 8-061-02, based on the findings and subject to the conditions as contained in the staff report and Planning Commission recommendation with the sentence being added to Condition No. 20: "No idling of engines when delivering nor noise producing operations will be conducted outside the building from 10 p.m. through 6 a.m.". Supervisor Smith seconded the motion. Clarification noted that Condition 20 also contained the delivery truck restriction. Motion carried 5-0. Mayor Teixeira commended the developers on their expertise and professionalism on the project. The community would receive a quality project based on the presentations made.

Supervisor Ayres then moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 9:35 p.m.

The Minutes of the September 16, 1993, Carson City Board of Supervisors meeting

ARE SO APPROVED ON October 21, 1993.

Marv Teixeira, Mayor

ATTEST:

Kiyoshi Nishikawa, Clerk-Recorder

Pub

CARSON CITY, STATE OF NEVADA
BOARD OF SUPERVISORS
SEPTEMBER 16, 1993

NOTICE OF DECISION

A request was received from G.T.S. Partners, Inc. (property owners: Children's Foundation) for a SF12000 Planned Unit Development (Silver Oak Planned Unit Development) on approximately 651 acres of land. The proposed development will consist of approximately 572 acres of Single Family and Cluster Residential development (for a total of 1,181 lots); including a 13 acre park/school site; approximately 76 acres of Commercial area; approximately 2.5 acres of Residential Office area; and approximately 1.5 acres of Neighborhood Business area. The request also includes variances for front, side and rear setbacks; building heights; lot size and widths; roadway width; and peripheral boundary setbacks. The area is currently zoned Retail Commercial (RC), Single Family One Acre (SF1A), Single Family 12,000 (SF12000), Single Family Two Acres (SF2A), and Conservation Reserve (CR). The property is located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights subdivision on the west, Winnie Lane on the south and the Eagle Valley Children's Home on the north; APNs 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, and 7-091-68 (portion).

The Board of Supervisors conducted a public hearing on September 16, 1993 in conformance with City and State legal requirements, and the Board of Supervisors approved a request from G.T.S. Partners, Inc. (property owners: Silver Oak Development Company; Marshall Ashcraft and Nevada Children's Foundation), P-93/94-1, for a SF12000 Planned Unit Development (Silver Oak Planned Unit Development) on approximately 651 acres of land. The proposed development will consist of approximately 572 acres of Single Family and Cluster Residential development (for a total of 1,181 lots); including a 13 acre park/school site; approximately 76 acres of Commercial area; approximately 2.5 acres of Residential Office area; and approximately 1.5 acres of Neighborhood Business area. The request also includes variances for front, side and rear setbacks; building heights; lot size and widths; roadway width; and peripheral boundary setbacks. The area is currently zoned Retail Commercial (RC), Single Family One Acre (SF1A), Single Family 12,000 (SF12000), Single Family Two Acres (SF2A), and Conservation reserve (CR) on property located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights subdivision on the west, Winnie Lane on the south and the Eagle Valley Children's Home on the north; APNs 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, and 7-091-68 based on the following findings and subject to the conditions of approval, acknowledgement and stipulations:

EXHIBIT B

FINDINGS:

	DESIGN STANDARDS	REQUIRED	PROPOSED
1.	Minimum site area:	5 acre minimum	651 acres

Staff finds that the proposal satisfies the requirements of CCMC 17.69.190(a).

2.	Minimum # of units:	5 units	1,181 units

Staff finds that the proposal satisfies the requirements of CCMC 17.69.190(b).

3. In designing a Planned Unit Development, the ordinance allows lot area, width, building height, lot size, minimum site area, and setbacks to be reduced to better utilize land. The proposed development consists of 1,181 dwelling units in standard single family and cluster single family configurations on 651 acres. The project involves a consolidation of the following approvals:

   A. Tentative Planned Unit Development map for 1,181 separate lots and structures in a standard and in a cluster development configuration.

   B. A variance of lot width in other than cluster development areas to allow 40 foot lot widths.

   C. A variance to vary front yard setbacks on one-acre parcels by five feet, providing a minimum of 25 foot front yard setback, rather than the 30 foot required setback.

   D. A variance to vary front yard setbacks on 6,000 to 7,000 square foot lots from the required 20 foot front yard setback to a 15 foot minimum front yard setback.

   E. A variance of building height in other than cluster development from the allowed 26 feet to 28 feet in height.

DESIGN STANDARDS	REQUIRED	PROPOSED

F. A variance within the cluster single family areas to allow minimum 4,000 square foot lot widths and to allow zero lot line construction.

G. A variance within the cluster single family areas to allow a maximum 35 foot building height.

H. A variance of side, front, rear, building height, lot width, and lot size in the cluster developments, depending on the design chosen for a particular parcel:

Proposed front yards:	5 foot to 18 feet
Proposed rear yards:	5 foot to 15 feet (for two-story units)
Proposed side yards:	zero lot line to 12 feet (for two-story units)

I. Variance request to vary the existing 36 foot right-of-way width within the cluster area to 26 feet from interior parking courts.

J. A variance to allow patios and decks to be built within the rear, side and front setback areas within 3 foot of the property line.

K. A variance from required 25 feet setback on all peripheral boundary lines to not less than 15 feet within the residential portions of the development.

L. A variance request of 25 feet from the required 25 foot setback on all commercial property setbacks for the peripheral boundary to allow a zero foot setback in Commercial areas.

4.	Parking area:	2.5 per dwelling unit	Compliance within standard residential development areas

Staff finds that the proposal meets requirements within the non-cluster areas. The cluster area require further review upon future approval of each cluster phase by staff.

	DESIGN STANDARDS	REQUIRED	PROPOSED
5.	Storage area:	Optional	None is envisioned
6.	Sidewalks:	Yes	Extensive interconnected pedestrian walks and paths follow the main network of roads
7.	Utilities:	Underground	Underground (some existing power lines cannot be placed underground due to high voltage

Staff finds that the proposal satisfies the requirements of CCMC 17.69.190(h).

8.	Landscaping:	Preliminary landscaping plans required	Conceptual plans submitted will require further review prior to construction of phases
9.	Bike path:	Optional	Extensive well interconnected network
10.	Open space required	40% of gross area of site to be determined individually for each PUD. Private open space not to constitute more than 25% of total open space area.	45% including golf course and hill. Of the 45% the main components are: Golf Course 62% Hill 23% Landscape Area (walkways/buffers) 9% Peripheral (includes private) 6%

The proposal meets the requirements of the Planned Unit Development Ordinance.

CONDITIONS OF APPROVAL:

1. All final maps or parcel maps shall be in substantial accord with the approved tentative map.

2. Prior to submittal of any final map or parcel maps, the Public Works Department shall approve all on-site and off-site improvements.

3. All other departments' and State agencies conditions of approval, which are attached, shall be incorporated as conditions of this report.

4. All disturbed areas are required to have a palliative applied for dust control. Any and all grading shall comply with State and City standards.

5. Lots not planned for immediate development shall be left undisturbed and mass grading and clearing of natural vegetation shall not be allowed. Any and all grading shall comply with City standards. A grading permit from the State Health Division shall be obtained prior to any grading. Non-compliance with this provision may cause a cease and desist order to halt all grading work.

6. A note shall be placed on all final or parcel maps stating:

   "These parcels are subject to Carson City's Growth Management Ordinance and all property owners shall comply with provisions of said ordinance."

7. Placement of all utilities, including TCI Cable, shall be underground within the development.

8. All on and off-site improvements shall conform to City standards and requirements.

9. The applicant must sign and return the Board of Supervisors acknowledgement of conditions for approval within ten (10) days of receipt of notification. If the acknowledgement is not signed and returned within ten days of receipt, then the item will be rescheduled for the next Planning Commission meeting for further consideration.

10. As required by CCMC, Section 17.69.040, the construction and the development of all approved open space shall occur no later than the construction of 25% of the dwelling units. In this case, no later than the construction of the 295th dwelling unit. Because the landscaping of this development is an integral part of the project, all landscaping within the project and along the perimeter of each phase shall be completed concurrent with the completion of each phase unless installation is delayed due to weather, in which event, financial assurances will be posted for its completion.

11. Fencing of corner lots must meet sight distance area requirements.

12. The last final map necessary to cover the entire development must be recorded for the entire development within two years from the time of the tentative map approval by the Board of Supervisors or the developer and the City will have entered into a development agreement.

13. CC&R's must be recorded, at the property owner's expense, in conjunction with the first final map of other than the Super K-Mart site.

14. A note shall be placed on all final maps stating that all development shall be in accord with planned unit development application (P-93/94-1).

15. Final CC&Rs shall be approved by the District Attorney and the Community Development Department and recorded prior to recordation of a final map, or parcel map; the CC&Rs shall provide for the on-going maintenance of the non-dedicated landscaping, lighting, fences, and the historical kiosk area.

16. Prior to the issuance of any certificates of occupancy, the applicant shall install or bond for the installation of all landscaping/irrigation in the area of the project in which the structure is located. An approved landscaping plan for the PUD must be secured prior to the issuance of any building permits.

17. **Prior to final map or parcel map submittal, a submittal shall be made** to the Community Development Department verifying the lack of, or presence of fault lines within the project site. Should a fault be located within the project site, a geotechnical study shall be provided to Community Development and an engineer's recommended building setback shall be noted on all final maps.

18. The final maps shall note all abutting property ownership, contain block and numbering, all approved street names, and information as required within the Planned Unit Development Ordinance and Nevada Revised Statutes (NRS).

19. Each block of cluster housing shall meet the standards of the development matrix as to unit type and as to the maximum allowable density and must be reviewed and approved by the Community Development staff prior to building plans submittal of any unit within that block.

20. All structure development within the project must meet the requirements as specified in the Development Matrix included in the application and herewith made a part of this condition as a means of defining the variance approvals and standards of development for both the residential cluster areas and the standard residential development areas.

21. If the developer wishes to provide 15 foot front yard setbacks with average of 20 foot front yard setback within the 6,000 to 7,000 square foot lot areas, a plan must be provided to Community Development Department and Building Division staff at time of the first building plan submittal and receive approval of the average setback plan from the Community Development Department.

22. The developer will maintain grass or landscaping within the school/park site until such time as the site is developed for its designated use or is accepted by Carson City or the School District. The CC&Rs or a development agreement shall address this requirement.

23. Shrubbery and trees over four feet in height at maturity may not be planted along a pedestrian/bicycle path within 50 feet of any intersection.

24. No parcel map or final map may be recorded for any portion of the planned unit development until the tentative map receives Board of Supervisors' approval.

25. The area westerly of Ormsby Boulevard and southerly of Combs Canyon Road will be dedicated to Carson City as a detention facility to be improved with moderate landscaping which does not impede its use as a drainage facility. This area will be improved at the time of the construction of each adjacent phase; any land area not necessary for detention facilities will be offered to adjacent property owners without consideration.

EXHIBIT B

26. The project reviewed as part of U-93/94-6 constitutes the first planned phase of this proposal and as such, shall be an integral part of this planned unit development.

27. Compliance with Chapter 12.09 (Flood Damage Prevention Ordinance) is required as the project develops.

STIPULATIONS:

By Steve Hartman:

1. The Residential Office-Planned Unit Development and adjacent Retail Commercial properties will be developed with unified-looking structures.

2. Residences will be limited to single story structures along the Silver Oak property line to the east where there is existing residential development and adjacent to University Heights residences along the Silver Oak west property line and limiting building height to twenty-two feet.

3. On West Nye Lane within the Residential Office-Planned Unit Development area, there will be only four sites.

4. A fuel-management plan will be provided for the are along the college edge of Silver Oak (west).

5. The CC&Rs will be recorded first (with the commercial area of the development having a separate section in the CC&Rs).

6. It is approximately fifteen feet lower elevation on Silver Oak's lots which abut University Heights residences than the University Heights lots.

7. School property will be used as a park site until the school is built; but the property will be owned by the school.

8. Each cluster block will be submitted to staff for review in total, not piecemeal; if staff is not comfortable with the submittal review, it will be referred to the Planning Commission and/or Board of Supervisors.

9. If lakes and ponds do not remain water-filled, then they will be landscaped.

EXHIBIT B

10. When the area next to Eagle Valley Ranch Road is ready to be developed, Silver Oak Development Company,Inc. will improve Eagle Valley Ranch Road to Carson City standards.

11. Painted bike paths will be placed along both sides of Community College Parkway Boulevard.

12. Lighting will be placed within the PUD to meet Carson City ordinance requirements.

13. A minimum of 20 foot rear yard setbacks will be provided for lots immediately adjacent to the Dartmouth Residential lots.

This decision was made on a vote of 5 ayes and 0 nayes.

Juan F. Guzman, Senior Planner
Community Development Department

Sandra Danforth, Associate Planner
Community Development Department

Mailed _____ by _____.

EXHIBIT "C"

PHASING SCHEDULE

The following is the estimated sequence of phasing various of the improvements for the Silver Oak Project:

Phase 1	Super K site at U.S. Highway 395 and Community College Parkway.
Phase 2	50 +/- lots abutting Winnie Lane, including the new Ormsby Blvd., entry off of Winnie Lane.
Phase 3	50 +/- lots westerly of the new Ormsby Blvd., entry and easterly of existing Ormsby Blvd., just north of Winnie Lane.
Phase 4	50 +/- lots along the west and east side of Kimberly Meadows Drive.
Phase 5	The Block "BB" cluster housing.
Phase 6	50 +/- lots northerly of the cluster housing in Block "BB" and southerly of Community College Parkway.
Phase 7	50 +/- lots west of Ormsby Blvd., and southerly of Mahogany Street.
Phase 8	50 +/- lots west of Ormsby Blvd., and southerly of Mahogany Street.
Phase 9	50 +/- lots easterly of University Heights.
Phase 10	Cluster housing in Block "DD".
Phase 11	50 +/- lots in Blocks G & H.
Phase 12	50+/- lots in Blocks D, E & F.
Phase 13	50 +/- lots in Blocks A, B & C.
Phase 14	The cluster housing in Block "EE".
Phase 15	Cluster housing in Block "CC".

The foregoing is the anticipated chronology of phasing for the Project. However, the sequence may change due to economic, market conditions or absorption changes in the economy.

All adjacent infrastructure and common area improvements must be completed with each phase of development.

Additionally, certain other improvements must be completed at specific phases. Those additional improvements are:

a) The golf course and additional common area improvements must be completed prior to completion of construction of the 295th residential unit.

b) Prior to completion of Phase 13, an alternative emergency access for Block "EE" must be established and Eagle Valley Ranch Road paved to U.S. Highway 395.

c) The park site shall be improved prior to completion of Phase 5.

d) The school site shall be dedicated to Carson City prior to completion of phase 2, but improvements consisting of a sprinkler system and seeded area will not be required until completion of phase 6.

e) All traffic improvements shall be triggered by traffic warrants as reflected in the Project traffic report and staff report.

f) Winnie Lane improvements will be completed prior to completion of Phase 2.

g) All commercial area requirements will be triggered as the staff report or traffic report requires.

Commercial area phasing will occur at unknown times and sequences and may be interspersed as phases at any time. Commercial phases will require infrastructure improvements as dictated in the traffic report or staff report. The development of the tourist commercial property at the northerly end of the project will require the construction of the 2,000,000 gallon water tank if it occurs before construction of the 429th lot or if the tank is earlier required by any applicable provision of the Uniform Fire Code.

The foregoing phasing estimate is purely an anticipated chronology of geographic phasing. Various external forces may alter or modify the sequence and provided that the Developer constructs adjacent infrastructure as well as the adhering to the construction of additional infrastructure set forth in the staff report, the Developer shall not be required to strictly adhere to the foregoing schedule throughout the Project.

ORDINANCE NO. 1994-1

BILL NO. 167

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH SILVER OAK DEVELOPMENT COMPANY SETTING FORTH THE CONDITIONS AND TERMS OF APPROVAL RELATING TO THE APPROVED SILVER OAK PLANNED UNIT DEVELOPMENT.

Fiscal effect: Yes

CARSON CITY BOARD OF SUPERVISORS DOES HEREBY ORDAIN:

SECTION I:

WHEREAS, Carson City desires to enter into a development agreement with SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP concerning the development of land known as Assessor's Parcel Nos. 8-061-02, and 8-061-06 and 8-061-13 located at Graves Lane, and Highway 395, Carson City, Nevada.

WHEREAS, the Carson City Board of Supervisors finds that the contents of the development agreement conform with CCMC 17.21.020 and NRS 278.0201; and

WHEREAS, the Board finds that the provisions of the development agreement are consistent with Carson City's Master Plan.

NOW, THEREFORE, the Board hereby approves by ordinance the attached development agreement between Carson City and SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP for Assessor's Parcel Nos. 8-061-02, 8-061-06, and 8-061-13, generally located west of U.S. Highway 395 north of Winnie Lane, south of Eagle Valley Ranch Road and easterly of the Western Nevada Community College, Carson City, Nevada, said agreement being attached and incorporated herein as Exhibit "1".

The Board further directs that the City Clerk shall

cause a certified copy of this ordinance and the original development agreement to be filed with the Carson City Recorder.

PROPOSED this 16th day of December, 1993.

PROPOSED by Supervisor Tom Tatro

PASSED on the 6th day of January, 1994.

VOTE: AYES:

Janice Ayres

Tom Tatro

Kay Bennett

Marv Teixeira, Mayor

NAYES: None

ABSENT: Greg Smith

MARV TEIXEIRA, Mayor

ATTEST:

KIYOSHI NISHIKAWA, Clerk/Recorder

This ordinance shall be in force and effect from and after the 17th day of January, 1994.

Carson City Planning Division
108 E. Proctor Street • Carson City NV 89701
Phone: (775) 887-2180 • E-mail: planning@carson.org

FILE # PUD-2020-0002

FOR OFFICE USE ONLY:

CCMC 17.07 and 17.09

TENTATIVE MAP FOR A PLANNED UNIT DEVELOPMENT

FEE*: $3,450.00 + noticing fee
*Due after application is deemed complete by staff

SUBMITTAL PACKET – 5 Complete Packets (1 Unbound Original and 4 Copies) including:
- ☐ Application Form including Applicant's Acknowledgment
- ☐ Property Owner Affidavit
- ☐ Copy of Conceptual Planned Unit Development Letter
- ☐ Detailed Written Project Description
- ☐ Building Elevations
- ☐ Proposed Street Names
- ☐ Master Plan Policy Checklist
- ☐ Draft CC&Rs
- ☐ Wet Stamped Tentative Map (24" x 36")
- ☐ Reduced Tentative Map (11" x 17")
- ☐ Conceptual Drainage Study
- ☐ Geotechnical Report
- ☐ Traffic Study (if applicable)
- ☐ Documentation of Taxes Paid to Date

CD or USB DRIVE with complete application in PDF

STATE AGENCY SUBMITTAL including:
- ☐ 2 Wet-stamped copies of Tentative Map (24" x 36")
- ☐ Check made out to NDEP for $400.00 + $3/lot
- ☐ Check made out to Division of Water Resources for $180.00 + $1/lot

Application Reviewed and Received By:

_____

Submittal Deadline: Planning Commission application submittal schedule.

Note: Submittals must be of sufficient clarify and detail for all departments to adequately review the request. Additional information may be required.

APPLICANT	**PHONE #**
Lanturn Investments, LLC	(775) 745-0881
MAILING ADDRESS, CITY, STATE, ZIP	
3075 College Dr. Carson City, NV 89703	
EMAIL	
silveroakmark@me.com	
PROPERTY OWNER	**PHONE #**
Mark Turner	775-745-0881
MAILING ADDRESS, CITY, STATE, ZIP	
3075 College Drive, Carson City, NV 89703	
EMAIL	
see above	
APPLICANT AGENT/REPRESENTATIVE	**PHONE #**
Louis Cariola	775-250-8613
MAILING ADDRESS, CITY, STATE, ZIP	
241 Ridge St., Suite 400, Reno, NV 89501	
EMAIL	
lcariola@manhard.com	
Project's Assessor Parcel Number(s)	
007-552-38 and 007-552-41	
Project's Street Address	
Silver Oak Drive	
Nearest Major Cross Street(s)	
Siena Street	
Project's Master Plan Designation	
MDR and Open Space	
Project's Current Zoning	
SF12-P	
Project Name	
Silver Oak PUD Modification and Silver Oak 24	

Total Project Area	Number of Lots	Smallest Parcel Size
~610 acres in PUD / 11.7 in S.O. 24	64 in Silver Oak 24	> 4000 sf

Please provide a brief description of your project below including specific modifications to Carson City's land use regulations requested as a part of this application. Provide additional pages to describe your request in more detail.

This PUD Modification application is inteneded to supplement the submittal of a Final Map for Silver Oak 24, a residential subdivision proposing 64 SFR lots for detached homes. The Modification is submitted in accordance with City Staff direction per CSM-19-175. The modification proposes to amend development standards for "clustered housing" blocks and open space.

NOTE: If your project is located within the Historic District or airport area, it may need to be scheduled before the Historic Resources Commission or the Airport Authority in addition to being scheduled for review by the Planning Commission. Planning staff can help you make this determination.

ACKNOWLEDGMENT OF APPLICANT: (a) I certify that the foregoing statements are true and correct to the best of my knowledge and belief; (b) I agree to fulfill all conditions established by the Board of Supervisors.

Applicant's Signature _____ Date _____

PROPERTY OWNER'S AFFIDAVIT

I, _____, being duly deposed, do hereby affirm that I am the record owner of the
(Print Name)

subject property located at 007-552-38 and 007-552-41, and that I have knowledge of, and I agree to, the
(Property Address and APN)

filing of this Tentative Planned Unit Development application.

_____	_____	_____
Signature	Address	Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA)
COUNTY)

On _____, 2____, personally appeared before me, a notary public, _____, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

_____
Notary Public

ACKNOWLEDGMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City Code requirements.

Applicant's Signature	Print Name	Date
	Dale R. Brown	11/7/2017

Master Plan Policy Checklist

Conceptual & Tentative Subdivisions, PUD's & Parcel Maps

PURPOSE

The purpose of a development checklist is to provide a list of questions that address whether a development proposal is in conformance with the goals and objectives of the 2006 Carson City Master Plan that are related to subdivisions of property. This checklist is designed for developers, staff, and decision-makers and is intended to be used as a guide only.

Development Name: Modification to Silver Oak PUD

Reviewed By: Louis Cariola

Date of Review: March 18, 2020

DEVELOPMENT CHECKLIST

The following five themes are those themes that appear in the Carson City Master Plan and which reflect the community's vision at a broad policy level. Each theme looks at how a proposed development can help achieve the goals of the Carson City Master Plan. A check mark indicates that the proposed development meets the applicable Master Plan policy. The Policy Number is indicated at the end of each policy statement summary. Refer to the Comprehensive Master Plan for complete policy language.

CHAPTER 3: A BALANCED LAND USE PATTERN

The Carson City Master Plan seeks to establish a balance of land uses within the community by providing employment opportunities, a diverse choice of housing, recreational opportunities, and retail services.

Is or does the proposed development:

- ☑ Consistent with the Master Plan Land Use Map in location and density?
- ☑ Meet the provisions of the Growth Management Ordinance (1.1d, Municipal Code 18.12)?
- ☑ Encourage the use of sustainable building materials and construction techniques to promote water and energy conservation (1.1e, f)?
- ☐ Located in a priority infill development area (1.2a)?
- ☑ Provide pathway connections and easements consistent with the adopted Unified Pathways Master Plan and maintain access to adjacent public lands (1.4a)?

- ☐ Encourage cluster development techniques, particularly at the urban interface with surrounding public lands, as appropriate, and protect distinctive site features (1.4b, c, 3.2a)?
- ☐ At adjacent county boundaries, coordinated with adjacent existing or planned development with regards to compatibility, access and amenities (1.5a)?
- ☑ Located to be adequately served by city services including fire and sheriff services, and coordinated with the School District to ensure the adequate provision of schools (1.5d)?
- ☐ In identified Mixed-Use areas, promote mixed-use development patterns as appropriate for the surrounding context consistent with the land use descriptions of the applicable Mixed-Use designation, and meet the intent of the Mixed-Use Evaluation Criteria (2.1b, 2.2b, 2.3b, Land Use Districts, Appendix C)?
- ☐ Provide a variety of housing models and densities within the urbanized area appropriate to the development size, location and surrounding neighborhood context (2.2a, 9.1a)?
- ☐ Protect environmentally sensitive areas through proper setbacks, dedication, or other mechanisms (3.1b)?
- ☐ If at the urban interface, provide multiple access points, maintain defensible space (for fires) and are constructed of fire resistant materials (3.3b)?
- ☑ Sited outside the primary floodplain and away from geologic hazard areas or follow the required setbacks or other mitigation measures (3.3d, e)?
- ☑ Provide for levels of services (i.e. water, sewer, road improvements, sidewalks, etc.) consistent with the Land Use designation and adequate for the proposed development (Land Use table descriptions)?
- ☐ If located within an identified Specific Plan Area (SPA), meet the applicable policies of that SPA (Land Use Map, Chapter 8)?

CHAPTER 4: EQUITABLE DISTRIBUTION OF RECREATIONAL OPPORTUNITIES

The Carson City Master Plan seeks to continue providing a diverse range of park and recreational opportunities to include facilities and programming for all ages and varying interests to serve both existing and future neighborhoods.

Is or does the proposed development:

- ☐ Provide park facilities commensurate with the demand created and consistent with the City's adopted standards (4.1b, c)?
- ☑ Consistent with the Open Space Master Plan and Carson River Master Plan (4.3a)?

CHAPTER 5: ECONOMIC VITALITY

The Carson City Master Plan seeks to maintain its strong diversified economic base by promoting principles which focus on retaining and enhancing the strong employment base, include a broader range of retail services in targeted areas, and include the roles of technology, tourism, recreational amenities, and other economic strengths vital to a successful community.

Is or does the proposed development:

- ☑ Incorporating public facilities and amenities that will improve residents' quality of life (5.5e)?
- ☐ Promote revitalization of the Downtown core (5.6a)?
- ☐ Incorporate additional housing in and around Downtown, including lofts, condominiums, duplexes, live-work units (5.6c)?

CHAPTER 6: LIVABLE NEIGHBORHOODS AND ACTIVITY CENTERS

The Carson City Master Plan seeks to promote safe, attractive and diverse neighborhoods, compact mixed-use activity centers, and a vibrant, pedestrian-friendly Downtown.

Is or does the proposed development:

- ☐ Promote variety and visual interest through the incorporation of varied lot sizes, building styles and colors, garage orientation and other features (6.1b)?
- ☐ Provide variety and visual interest through the incorporation of well-articulated building facades, clearly identified entrances and pedestrian connections, landscaping and other features consistent with the Development Standards (6.1c)?
- ☐ Provide appropriate height, density and setback transitions and connectivity to surrounding development to ensure compatibility with surrounding development for infill projects or adjacent to existing rural neighborhoods (6.2a, 9.3b 9.4a)?
- ☐ If located in an identified Mixed-Use Activity Center area, contain the appropriate mix, size and density of land uses consistent with the Mixed-Use district policies (7.1a, b)?
- ☐ If located Downtown:
  - ☐ Integrate an appropriate mix and density of uses (8.1a, e)?
  - ☐ Include buildings at the appropriate scale for the applicable Downtown Character Area (8.1b)?
  - ☐ Incorporate appropriate public spaces, plazas and other amenities (8.1d)?

CHAPTER 7: A CONNECTED CITY

The Carson City Master Plan seeks promote a sense of community by linking its many neighborhoods, employment areas, activity centers, parks, recreational amenities and schools with an extensive system of interconnected roadways, multi-use pathways, bicycle facilities, and sidewalks.

Is or does the proposed development:

- ☐ Promote transit-supportive development patterns (e.g. mixed-use, pedestrian-oriented, higher density) along major travel corridors to facilitate future transit (11.2b)?
- ☐ Maintain and enhance roadway connections and networks consistent with the Transportation Master Plan (11.2c)?
- ☐ Provide appropriate pathways through the development and to surrounding lands, including parks and public lands, consistent with the Unified Pathways Master Plan (12.1a, c)?

Silver Oak Planned Unit Development

Modification to PUD

March 19, 2020

Prepared For:

Lanturn Investments, LLC

Prepared By:

Manhard CONSULTING
241 Ridge Street, Suite 400
Reno, NV 89501

Table of Contents

LIST OF FIGURES

ATTACHMENTS

1. VAR-17-195 Staff Report
2. Re-stated pages of Development Agreement (Clustered Housing)
3. Space Exhibit
4. Open Space APN table
5. Silver Oak Development Agreement with redlines for re-stated pages
6. Confirmation of Taxes Paid
7. Master Plan Policy Checklist

PROJECT LOCATION

The project site is located south of Silver Oak Drive, within the larger boundary of the Silver Oak Golf Course, APNs 007-552-38 and 007-552-41. The primary site is undeveloped and proposed for a residential subdivision named "Silver Oak 24". The secondary parcel is comprised of golf course fairways.

Figure 1: Project Location

EXISTING CONDITIONS

Master Plan/Zoning

The vacant primary subject site for Silver Oak 24 is designated as MDR (Medium Density Residential: 3-8 du/ac) in the Master Plan with SF12-P (Single Family 12000 sf minimum parcel size - Planned Development Overlay) zoning. The Master Plan designation, zoning, and current use of the surrounding parcels are as follows.

Figure 2: Surrounding Property Designations

Direction	Master Plan	Zoning	Current Land Use
North	MDR	SF12-P	Single Family Residential
East	OS (open space)	SF12-P	Golf Course
South	OS	SF12-P	Golf Course
West	MDR	SF12-P	Single Family Residential

Figure 3: Existing Master Plan Designation: Medium Density Residential and Open Space (golf course)

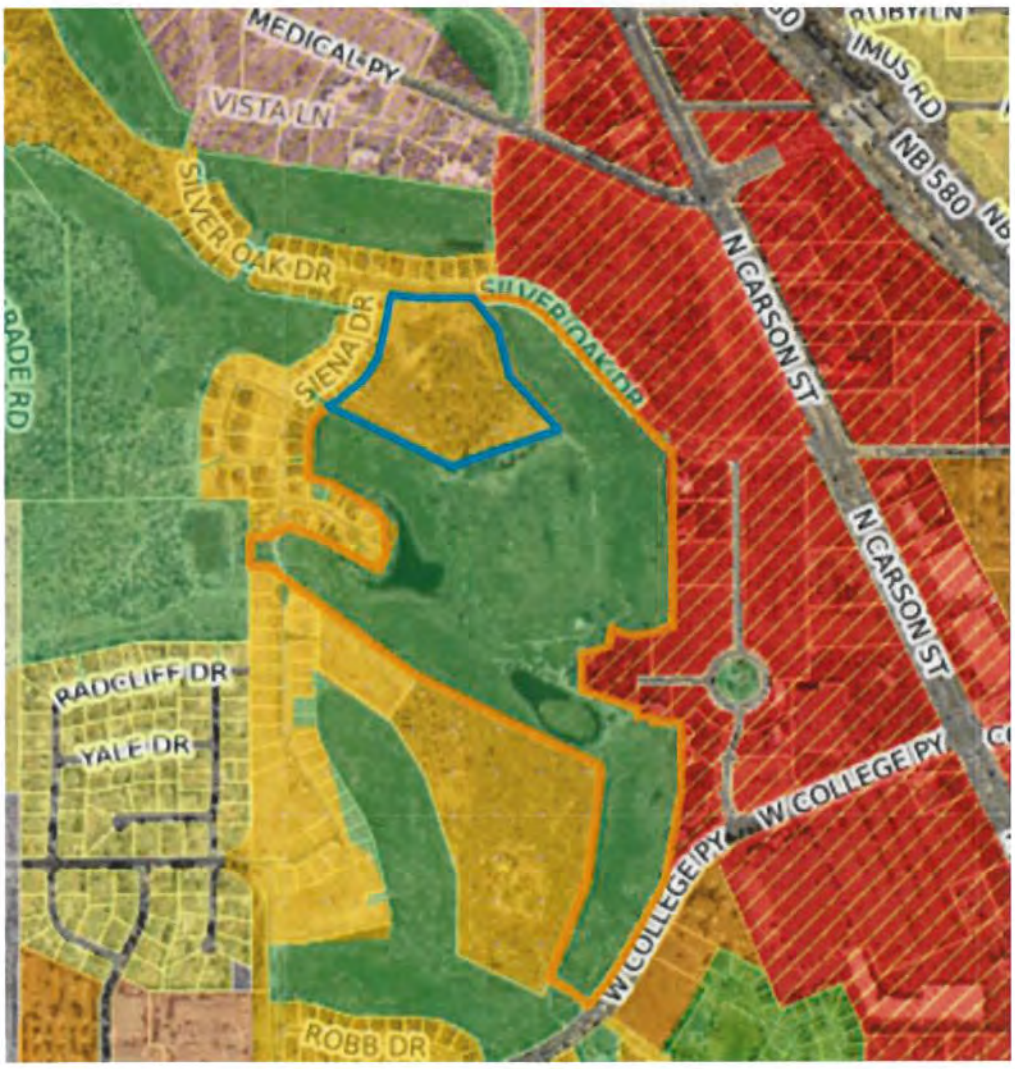


Figure 4: Existing Zoning SF12-P (Single Family 12000 sf minimum parcel size - Planned Development Overlay)

APPLICATION REQUEST

This application package includes requests for:

1) A **Modification to Silver Oak PUD** and Silver Oak 24 (APNs 007-552-38 and 007-552-41)

PROJECT DESCRIPTION AND JUSTIFICATION

On behalf of Lanturn Investments, LLC, Manhard Consulting is submitting the enclosed application package requesting a Modification to the Silver Oak Planned Unit Development. The project location is south of Silver Oak Drive, within the larger boundary of the Silver Oak Golf Course. The modification is requested in order to: 1) modify the golf course boundary, affecting the total PUD open space; and 2) amend the development standards for specific parcels within the PUD. The modification is intended to be considered in conjunction with a concurrently submitted Final Map for a single-family residential subdivision, planned for 64 units on APN 007-552-38. The subdivision is tentatively named "Silver Oak 24" and includes a merger and re-subdivision of two subject parcels in order to include 0.68 acres of the golf course (APN 007-552-41) within the development boundary. Civil improvement plans for the Final Map, representing Silver Oak 24 on 11.06 acres, were submitted to Community Development by Manhard Consulting on March 9, 2020.

The golf course represents the majority of the open space for the PUD. The PUD development standards, including open space provisions, are outlined in a Development Agreement (DA). This PUD modification proposes to modify the DA development standards for Silver Oak 24, and other similar undeveloped parcels, and address open space within the entire PUD. Included within this submittal are:

1) Proposed edits/updates to the Development Agreement for the PUD, including new property development standards within "clustered housing" blocks;
2) Exhibits, figures, and descriptions of the existing and proposed open space within the PUD; and
3) Findings for modification to a Planned Unit Development from Carson City Municipal Code (CCMC) 17.09.050.

Background

The Silver Oak PUD Tentative Map was originally approved by the Board of Supervisors on September 16, 1993, covering 683 acres including 308 acres of open space.

- On January 6, 1994, the Board approved a Development Agreement (DA) for the PUD (Ordinance 1994-1).
- On June 16, 1994, the first addendum to the DA was approved, adjusting development standards (Ordinance 1994-34).
- On January 2, 1995, the Board approved a second addendum to the DA to modify previously approved setback variances and other matters (Ordinance 1995-05).
- On September 16, 2003, the Board approved a reduction to the total area of the entire PUD via sale of 17.5 acres for development of the Carson Tahoe Hospital campus (Ordinance 2003-22).

A Conceptual Subdivision Map for Silver Oak 24 was submitted to Community Development on October 1, 2019. A Map Review meeting was held on October 22, 2019 (file CSM-19-175). At the meeting, Staff reviewed the applicant's requests related to subdivision and the associated development standards. City Staff delivered comments and direction for a Final Map and PD Modification on November 12, 2020. Per Staff's direction, this submittal package is intended to supplement the Final Map for Silver Oak 24.

The Tentative Map associated with approval of the original Silver Oak DA (1993/1994) includes areas for both commercial and residential development, supported by the golf course, which provides the bulk of

required open space within the PUD. Additional open space is provided within undeveloped natural open spaces and parks/common areas. The total open space required for a PUD per City Code (at time of approval) was 40% of the total area. Over the past 25 years, as most of the PUD has been built out through recordings of final maps, the percentage of open space has consistently remained above that figure.

As the instrument used to define development standards, the DA has been amended over the PUD's lifespan to accommodate new subdivisions. Alternatively, City Staff has approved multiple Variances for individual phases of development. Confirmed by the Carson City Staff Report from 2017 for a Variance approved for Phase 22, in 2005, Staff began a series of meetings with property ownership to discuss inconsistencies in development standards within the DA (VAR-17-195 – see Attachment 1). It was recognized that the City had been consistently supporting Variances, with approvals in 2005, 2014, 2016, and 2017 addressing, in part, setbacks for multiple phases of development. Rather than continue this pattern of proposing multiple variances, per Staff's direction in CSM-19-175, this PUD modification would amend the DA for specific parcels within the existing Tentative Map referred to as "Cluster Housing" blocks, which include the primary subject parcel.

Development Standards and Revised Development Agreement

The Cluster Housing areas in the DA are split into blocks "BB", "CC", "DD" and "EE". The Silver Oak 24 project site corresponds to Block "DD". Block BB is the only one of these parcels already developed, the other are vacant. Included among the development standards for Cluster Housing blocks, the DA addresses:

- Setbacks;
- Density;
- Lot size;
- Lot dimensions;
- Lot coverage; and
- Height.

As they are currently defined, the DA presents significant challenges to designers attempting to bring forward new subdivisions that will match the quality of existing development within the PUD. The Clustered Housing block standards include guidelines for "...zero lot line, townhome, common wall or similar units..." and a 4,000 square feet (sf) minimum parcel size while also limiting lot coverage to 35% (1,400 sf for a 4,000 sf lot). Existing setback standards are confusing and include variables that are not compatible with smaller lots with limited coverage. For instance, side yard setbacks are 7' for one-story construction and 12' for two-story construction within Clustered Housing blocks, as opposed to 5' in the standard residential villages within the PUD. When the current guidelines are applied to conceptual designs, the resulting structures are limited in variability and do not match the surrounding development. The guidelines were not applied for existing development on block BB (south of W College Parkway) and this housing type is not found elsewhere within the PUD. The existing development throughout the PUD is comprised of standard single family construction, without shared walls or attached units. While some of the existing provisions are proposed to remain in place to allow for flexible development plans, most of the setbacks as currently stated are proposed for revision.

The following chart summarizes the existing and proposed site development standards.

Figure 5: Development Standards for Cluster Housing blocks

	Currently Allowed/Required for "Clustered Housing" Blocks	Proposed for Revised Silver Oak Development Agreement
Density for Block DD	11.2 Units/Acre (92 units over 10.38 acres)	5.78 Units/Acre (64 units over 11.06 acres)
Lot Area	- Minimum 4,000 sf - Lot coverage not to exceed 35%	- Minimum 4,000 sf - No lot coverage percentage limit (subject to revised setbacks with detached units)
Setbacks- Interior Lots	- Front: 10' to house, 18' to garage - Side: -7' for one story and 12' for two story (detached units); or -15' for one story, 20' for two story (between structures); or -12' for zero lot or blank wall sides - Rear: 10' w/ an average of 15' -15' for two story -5' from alleys to garage	- Front: -10' to house, 18' to garage - Side: 5' on each side; or -0' on one side, 10' on other -Street Side (new): 5' - Rear: -15' for front-access; or -5' from alleys to garage
Height	*- 35' per Exhibit B of DA *- 28' per paragraph 2.2 of DA (Cluster Housing)	- 28' from finished grade to ridgeline
Parking	- 2 spaces per dwelling unit with driveway aprons and 18' driveways - 2.5 spaces per unit without driveway aprons and 5' driveways (includes guest parking at rate of 0.5 per unit)	- 2 spaces per dwelling unit (Silver Oak 24 includes 2 and 3 car garages for all units and 20' driveways)

* - The maximum height allowed in the Cluster Housing blocks is addressed twice in the Development Agreement (first approved September 16, 1993) with conflicting figures. Paragraph 2.2, *Cluster Housing*, states "...the height of a unit from finished grade to the ridgeline cannot exceed twenty-eight (28) feet.". Exhibit B of the DA (pages one and three) describe "variances" approved as part of the PUD for maximum height, with section 3.G approving: "A variance within the cluster single family areas to allow a maximum 35 foot building height". The proposed revision will eliminate this confusion by clearly dictating a 28' maximum height in the Clustered Housing blocks.

The following image is from section 3.G of the DA.

EXHIBIT B

Board Notice of Decision
P-93/94-1
Page Three

DESIGN STANDARDS	REQUIRED	PROPOSED
F.	A variance within the cluster single family areas to allow minimum 4,000 square foot lot widths and to allow zero lot line construction.	
G.	A variance within the cluster single family areas to allow a maximum 35 foot building height.	

The proposed standards provide clarity for designers seeking consistency with existing development in the PUD and result in more compatible subdivisions. For example, the proposed density for Silver Oak 24 is almost 1/3 less for Block DD than is allowed per the existing DA (64 units instead of 92). The proposed new height limit for the Clustered Housing blocks is also lower than what is currently stated as the maximum, moving from 35' to a proposed maximum height of 28'. Instead of setting a maximum lot coverage for the Clustered Housing parcels, the updated DA will rely upon consistent setbacks and lot-size guidelines that will provide predictable standards for new development. Side yard setbacks of 5' are introduced because they were not included in the original standards. The front setback to a garage for a front-access home is not proposed for amendment, maintaining 18' with a 10' minimum setback to the house. An existing 5' minimum setback for alley-loaded development types remains.

Attachment 2 includes the proposed language for re-stated pages of the *Silver Oak Development Agreement*. Specifically, section *2.2, Cluster Housing,* is proposed for revision in order to allow for consistent standards without the continued need for variances. The amended standards would apply to all remaining-vacant Clustered Housing blocks. Attachment 5 is the entire DA with redlines depicting the text proposed for revision.

Open Space

The percentage of required open space for the entire PUD is addressed in the DA. Per City Code in 1993, 40% of the entire development was to be reserved for open space. The Final Map (civil improvement plans) separately submitted on March 9, 2020 for Silver Oak 24 present a merge and re-subdivision in order to slightly modify the boundary between the proposed residential development and the golf course. The land transfer will not diminish use of the golf course and will deliver more developable area for the subdivision, providing for well-designed lots with consistent setbacks and building envelopes. The total open space will only slightly be altered, with 0.68 acres proposed for transfer to the Silver Oak 24 site. This application package includes an updated exhibit (attachment 3), demonstrating that 44.01 % of the entire PUD remains open space. Attachment 4 is a table noting the Assessor's Parcel Numbers (APNs) and areas of the open space parcels.

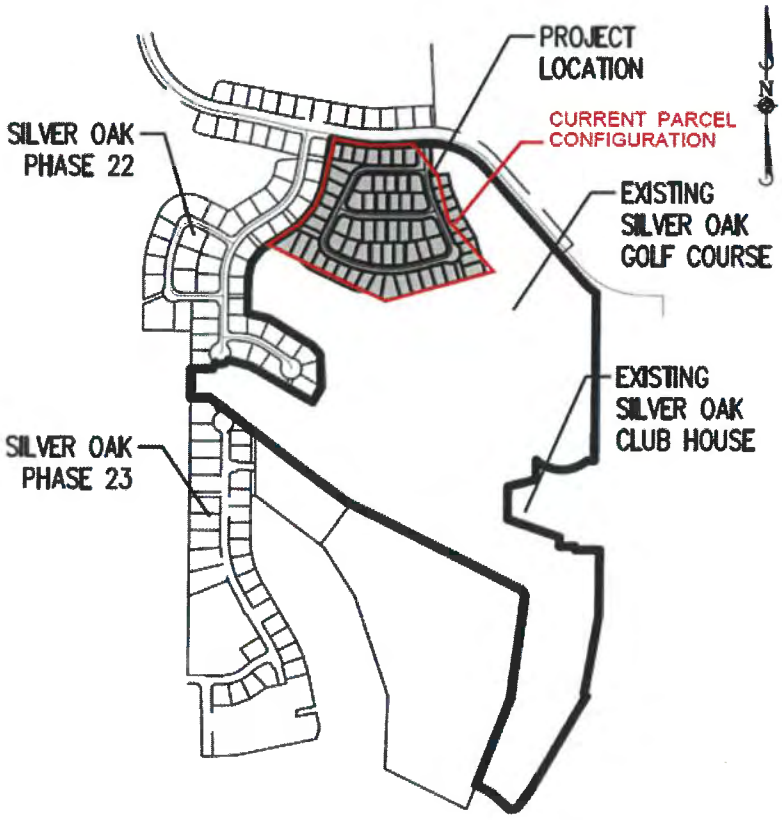
The following table presents the modified area of open space due to the proposed merger and re-subdivision, as well as new calculations for the percentage provided within the entire PUD.

Figure 6: Open Space (per Carson City Assessor's data) – Existing and Proposed

	Current Open Space	Proposed Open Space
PD Area	609.66 acres	609.66 acres
Open space area	269.015 acres	268.335 acres (-0.68 acres)
Percentage Open Space	44.12 %	44.01 %

Silver Oak 24 Subdivision

The subdivision includes 64 single family residential lots for detached, stand-alone homes. Internal Right of Ways are proposed to be 37' in width, with 13.5' wide drive aisles, curbs, gutters, and vehicular parking and sidewalk on one side. The primary access point for Silver Oak 24 is located on the north east corner of the site to eliminate any conflicts with Siena Drive to the west. The primary access includes two 20' wide drive aisles with a 10' wide landscape median between lanes. Secondary emergency access will be provided through a shared driveway connecting to Siena Drive in Silver Oak 22 from the south west of the site. The connection to Silver Oak 22 will also provide pedestrian access between the existing and proposed developments. The following image presents the general layout of the subdivision, noting the minor change to the primary parcel configuration.



FINDINGS (FOR MODIFICATION OF A PUD)

The Findings necessary for approval of a PUD, or in this case a modification to an existing PUD, are found in Carson City Municipal Code (CCMC) section 17.09.050 - *Approval or denial of application.* The following responses are made in support of the proposed modification of the Silver Oak Planned Unit Development. The scope of the modification includes adjustments to the area and percentage of open space; and revision to the Development Agreement with updates to the Clustered Housing sections.

1. In what respects the plan is or is not consistent with the statement of objectives of the planned unit development ordinance;

Response: The Development Agreement for the Silver Oak PUD was originally approved in 1994 as a single family home development with complimentary commercial areas and a golf course. The golf course provides the bulk of open space for the PUD. Subsequently, development has maintained consistency with the stated objectives for PUDs per CCMC. Open space has been maintained in both quantity and quality. Variances for setbacks and other development standards have consistently been supported by City staff, resulting in development of quality housing for residents.

2. The extent to which the plan departs from zoning and planned unit development regulations otherwise applicable to the property, including but not limited to density, size and use, and the reasons such departures are or are not deemed to be in the public interest;

Response: The proposed amendments to the DA will provide better opportunity for design of new final maps that are consistent with existing development. Rather than a departure from PUD regulations, the proposed amendments will allow for design of subdivisions that are more consistent with existing development.

3. The purpose, location and amount of the open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the open space and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development;

Response: CCMC section 17.09.100 – *Open Space* requires that Planned Developments include 30 percent of the gross area for open space. Throughout the history of the Silver Oak PUD, including addendums to the DA, Variances, and majority build-out of the area available for residential development, the total open space has consistently remained above 40 percent. Attachment 3 demonstrates that the revision to the DA and the proposed merger and re-subdivision will continue to provide an excess of open space within the Silver Oak PUD, relative to CCMC requirements. A homeowner's association and the operators of the golf course will continue to maintain the open space.

4. A physical design of the plan and in the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, parking requirements, and further the amenities of light and air, recreation and visual enjoyment;

Response: The proposed final map would create 64 residential lots on public streets served by public water and sewer services. The development will be complimented by extensive open spaces within the Silver Oak PUD, allowing for sensory enjoyment of light and air.

5. The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established;

Response: As stated in Finding 2 above, the proposed amendments will allow design of Silver Oak 24 to include single family detached housing products that are more analogous with existing development. This type of housing will be more consistent with surrounding development than the attached units currently allowed within the DA.

6. In the case of a plan which proposes a development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the planned unit development in the integrity of the plan.

Response: The timeline for recording the Final Map for Silver Oak 24 will be in accordance with Nevada Revised Statutes.

STAFF REPORT FOR PLANNING COMMISSION MEETING OF DECEMBER 20 2017

FILE NO: VAR-17-195 **AGENDA ITEM: E-1**

STAFF AUTHOR: Kathe Green, Assistant Planner

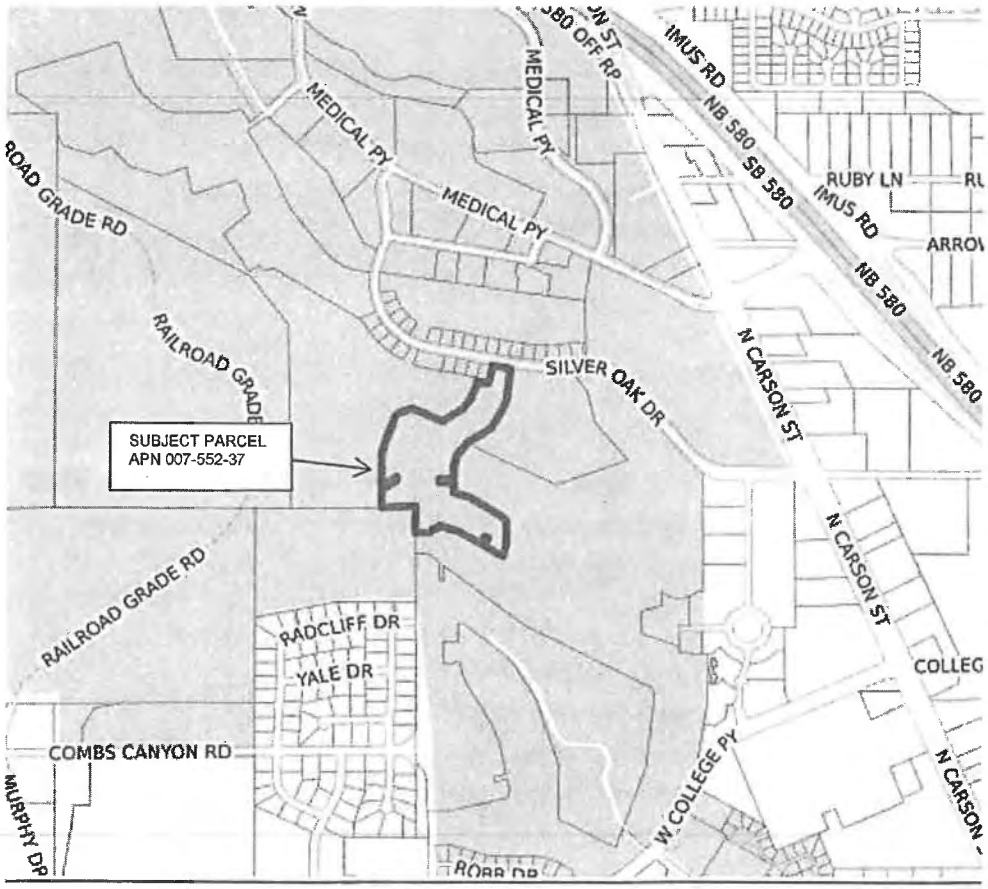
REQUEST: Approval of a Variance to reduce the required building setbacks on the front, sides and rear, driveway lengths and to allow a building height of 36 feet to the ridge line for Phase 22 of Silver Oak Development in the Single Family 12,000-Planned Unit Development (SF12-P) zoning district.

APPLICANT/OWNER: Sierra Land Development Inc

LOCATION: Stocke Way

APNs: 007-552-37

RECOMMENDED MOTION: "I move to approve VAR-17-195, a Variance to reduce the required building setbacks on the front, sides and rear, driveway lengths and to allow a building height of 36 feet to the ridge line for Phase 22 of Silver Oak Development, located at Stocke Way, APN 007-552-37, in the Single Family 12,000-Planned Unit Development zoning district, based on the findings and subject to the recommended conditions of approval in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Notice of Decision within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item may be rescheduled for the next Planning Commission meeting for further consideration.

2. The applicant shall meet all the conditions of approval (obtain a valid building permit) for which this permit is granted within twelve months of the date of approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division thirty days prior to the one-year expiration date. Should this permit not be initiated within one year and no extension granted, the permit shall become null and void.

3. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.

4. All improvements shall conform to City standards and requirements.

5. Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; on irregular shaped lots, minimum driveway length must average 18 feet.

6. The final map shall reference this variance in the notes, and clearly state the setbacks and building height for the phase.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review) and 18.02.085 (Variances).

MASTER PLAN DESIGNATION: Low Density Residential (LDR)

ZONING DISTRICT: Single Family 12,000-Planned Unit Development (SF12-P) in the Silver Oak Planned Unit Development, Phase 22

KEY ISSUES: Can the reduction of the proposed setbacks, increase in building height and modification in driveway lengths be supported by the required findings? Are there unique circumstances applicable to the subject properties that justify the need for the variance in this instance?

SURROUNDING ZONING AND LAND USE INFORMATION:
NORTH: Single Family 12,000-Planned Unit Development (SF12-P)/Silver Oak Golf Course, residences and Silver Oak undeveloped eventual housing phase
SOUTH: Single Family 12,000-Planned Unit Development (SF12-P) and Single Family 21,000-Planned Unit Development (SF21-P)/Silver Oak Golf Course, undeveloped eventual housing phase and vacant
EAST: Single Family 12,000-Planned Unit Development (SF12-P)/ Silver Oak Golf Course and Silver Oak undeveloped eventual housing phase
WEST: Single Family 12,000-Planned Unit Development (SF12-P)/Silver Oak undeveloped eventual housing phase and Silver Oak Golf Course

ENVIRONMENTAL INFORMATION:
FLOOD ZONE: X, areas of minimal flooding

SLOPE/DRAINAGE: The area is flat
SOILS: 58, Surprise coarse sandy loam 2 to 4 percent slopes
EARTHQUAKE: Zone I, severe, within 200 feet

SITE DEVELOPMENT INFORMATION:
PARCEL: 12.55 acres
EXISTING LAND USE: Vacant. A tentative map has been approved for 44 residential lots.
HEIGHT and SETBACKS: are based on lot size and Silver Oak PUD requirements and are shown in the column in the center. The column on the right reflects the setbacks proposed with this request.
VARIANCE: Requested variances appear in bold on the table below:

Lots 12,000 square feet and under:

	Silver Oak Requirement	**VAR-17-195: Phase 22 Proposal**
Front Setback	12 feet	12 feet
Rear Yard	15 feet	15 feet
Rear Yard Irregular Shape	Averaged with no dimension less than 10 feet	Averaged with no dimension less than 10 feet
Rear Yard Abutting non-Silver Oak residences	20 feet	n/a
Rear Yard Abutting the Golf Course	**15 feet**	**10 feet**
Side Yard (up to 9000 sqft lot)	5 feet	5 feet
Side Yard (up to 12,000 sqft lot)	**8 feet**	**5 feet**
Street Side Yard (up to 9000 sqft lot)	**10 feet**	**5 feet**
Street Side Yard (up to 12,000 sqft lot)	**13 feet**	**5 feet**
Side Yard Irregular	Averaged with no dimension less than 5 feet	Averaged with no dimension less than 5 feet
Height if adjacent to a non-Silver Oak residence limited to 22 ft	Per base zoning	n/a
Height	**28 feet (measured to mid-point of roof)**	**36 feet (measured to ridge line)**

Lots over 12,000 square feet to and including 17,000 square feet:

	Silver Oak Requirement	**VAR-17-195: Phase 22 Proposal**
Front Setback	**15 feet**	**12 feet**
Rear Yard	**20 feet**	**15 feet**
Rear Yard Irregular Shape	Averaged with no dimension less than 10 feet	Averaged with no dimension less than 10 feet
Rear Yard Abutting non-Silver Oak residences	20 feet	n/a
Rear Yard Abutting the Golf Course	**20 feet**	**10 feet**
Side Yard	**10 feet**	**5 feet**
Street Side Yard	**15 feet**	**5 feet**
Side Yard Irregular	Averaged with no dimension less than 5 feet	Averaged with no dimension less than 5 feet
Height if adjacent to a non-Silver		

Oak residence limited to 22 feet	Per base zoning	n/a
Height	**28 feet (measured to mid-point of roof)**	**36 feet (measured to ridge line)**

Lots over 17,000 square feet to and including 30,000 square feet:

	Silver Oak Requirement	**VAR-17-195: Phase 22 Proposal**
Front Setback	**20 feet**	**12 feet**
Rear Yard	**20 feet**	**15 feet**
Rear Yard Irregular Shape	Averaged with no dimension less than 10 feet	Averaged with no dimension less than 10 feet
Rear Yard Abutting non-Silver Oak residences	20 feet	n/a
Rear Yard Abutting the Golf Course	**20 feet**	**10 feet**
Side Yard	**15 feet**	**5 feet**
Street Side Yard	**20 feet**	**5 feet**
Side Yard Irregular	Averaged with no dimension less than 5 feet	Averaged with no dimension less than 5 feet
Height if adjacent to a non-Silver Oak residence limited to 22 feet	Per base zoning	n/a
Height	**28 feet (measured to mid-point of roof)**	**36 feet (measured to ridge line)**

SITE HISTORY: The Silver Oak Planned Unit Development (PUD) Tentative Map was approved by the Board of Supervisors on September 16, 1993, and covered 683 acres of land. The development was approved with 308 acres of open space, 79 acres of commercial area, 13.6 acres for a school/park site, 225 acres for single family and cluster development, for a total of 1,181 lots, and 60 acres of roadways. In January of 1998 the Silver Oak PUD was amended to include 24 additional dwelling units, providing for a total of 1,205 dwelling units, rather than the originally approved 1,181 dwelling units.

In January of 1994 the Carson City Board of Supervisors approved an ordinance including a development agreement with Silver Oak Development which set out the conditions and terms of the approval relating to the approved Silver Oak PUD. On June 16, 1994 an addendum was approved by the Board of Supervisors and recorded July 1, 1994. On January 2, 1995 the Board approved a second addendum to the development agreement between Carson City and Silver Oak Development Company Limited Partnership to modify certain previously approved setback variances and other related matters. In 1997 there was a revised development agreement proposed by Silver Oak, but that agreement was not completed or recorded.

Over the years there were several changes to the Silver Oak PUD, resulting in the reduction of the number of lots proposed for the development. As an example, it is noted Carson Tahoe Hospital purchased a section of the Silver Oak Development area for completion of the Carson Tahoe Hospital Campus.

City staff and the applicant met in August 2005 to discuss the options regarding the setback inconsistencies in the Silver Oak Development. It was decided at that time that a Variance application would allow City staff and the Silver Oak Development to develop a plan for consistent implementation and review of setbacks to be utilized on parcels which would be developed in future development phases of parcels recorded under Silver Oak Phases listed as

16, 17 and 18 under VAR-05-195. Eventually, Phase 20 was also allowed to vary from the original setback requirements under VAR-14-016. When Phase 21 was recorded, as TPUD-16-012 the developer was allowed to use a variation of the required setbacks in conjunction with the recording of the map. Staff has supported consistency in setbacks for the individual phases within this development.

DISCUSSION:

A variance is a zoning procedure that grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular circumstances applicable to the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, self-imposed hardship or a desire to realize monetary gain and/or excessive profit.

VAR-05-195 and VAR-016 were previously approved to allow development of several phases of lots in the Silver Oak Development area. These properties were entirely contained within specific geographical areas, providing a consistent appearance of the lots with the phases under review when they were developed. The tables showing the setbacks approved for these phases are shown below:

VAR-05-195 (Phases 16, 17, 18):

Type	Height to Ridgeline	Front
12,000 square feet and under	36 feet	12 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; On irregular shaped lots, minimum driveway length must average 18 feet
12,001 square feet to 17,000 square feet	36 feet	15 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 22 feet; On irregular shaped lots, minimum driveway length must average 22 feet
17,001 square feet to 45,000 square feet	36 feet	20 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 25 feet; On irregular shaped lots, minimum driveway length must average 25 feet

Type	Height to Ridgeline	Rear
12,000 square feet and under	36 feet	Not including covered patios and decks, 15 feet minimum Lots whose rear yards are adjacent to the golf course, the full length of the rear property line shall be a minimum of 10 feet
12,001 square feet to 31,000 square feet	36 feet	Not including covered patios and decks 20 feet minimum Lots whose rear yards are adjacent to the golf course, the full length of the rear property line shall be a minimum of 10 feet
+31,000 square feet	36 feet	Not including covered and uncovered patios and decks, 30 feet minimum

VAR-14-016 (Phase 20):

Type	Height to Ridgeline	Front

12,000 square feet and under	36 feet	12 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; On irregular shaped lots, minimum driveway length must average 18 feet

Type	Height to Ridgeline	Rear
12,000 square feet and under	36 feet	Lots whose rear yards are adjacent to the golf course, the full length of the rear property line shall be a minimum of 10 feet

Type	Height to Ridgeline	Side	Street Side
10,101 square feet and under	36 feet	Not including covered or uncovered patios and decks, 5 feet minimum	5 feet minimum

TPUD-16-012 (Phase 21):

Type	Front	Side	Street Side	Rear	Height
Minimum Setback 5,000-11,000 sf lots	20 feet	5 feet	10 feet (lots 1 & 31 use 15 feet)	10 feet	28 feet ridgeline (adjacent to existing residential on east limited to single story)

The request submitted with this application is for all 44 lots in this phase to have the same setbacks. It is noted that the lots vary in size from less than 7,800 to more than 21,000, with only three lots exceeding 12,000 square feet at 12,114 square feet for lot 42, 12,212 square feet for lot 14 and 21,197 square feet for lot 13, respectively. These three lots are all on a curve. Two lots (13 and 14) have frontages widths that are similar to other lots in the area, with a deeper dimension from front to back, and one lot (42) is on a corner having two street frontages that extend to back as a larger area. Setbacks in the Single Family 12,000 and Single Family 21,000 square foot zoning districts ordinarily have larger setbacks than those required in the Single Family 6,000 zoning district.

Proposed VAR-17-195 (Phase 22):

Height to Ridgeline	Front	Side	Rear
36 feet	12 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; On irregular shaped lots, minimum driveway length must average 18 feet Garage pop outs may encroach. Must provide adequate space to park an 18 foot long vehicle without impeding or blocking the offset sidewalk. Side loading garages must provide adequate space to park an 18 foot long vehicle without impeding or blocking the sidewalk, and meet a minimum 12 feet to the residence from the property line.	5 feet	15 feet 10 feet when full length is adjacent to the golf course

The driveway lengths are proposed in this phase at 18 feet. This length is consistent with other phases in the Silver Oak Planned Unit Development. Modification of the length of the driveways is also proposed to allow averaging of the driveway length, as has also been approved in

previous phases, with pop-outs that may encroach into the 18 feet setback as long as the garage door averages 18 feet from the curb. It is also proposed that side loading garages do not have a minimum driveway length requirement, but must maintain a minimum 12 feet to the residence from the property line. A proposed condition of approval is that the length of the driveway will be shown on the site plan, and adequate length and configuration of the driveway be proposed and maintained for parking of an 18 foot long vehicle outside the garage on the driveway without impeding the offset sidewalk area.

The height requested for this phase is 36 feet to the ridgeline. Under the Silver Oak Development Agreement previous phases in Silver Oak have been allowed a height of 28 measured to the mid-point of the roof, with the exception of a restriction to 22 feet if the proposed residence in Silver Oak was adjacent to a non-Silver Oak residence in a neighboring subdivision. A request to allow height at 36 feet to the ridgeline was previously reviewed and approved by the Planning Commission under VAR-05-195 and VAR-14-016 for Phases 16, 17, 18, and 20. Phases 19 and 21 were reviewed under the original Silver Oak Development Agreement and were limited to 28 feet height to the mid-point of the ridge. The height limitation for the Single Family 6,000, Single Family 12,000 and Single Family 21,000 zoning districts is 26 feet to the mid-point of the ridge.

Phase 22 will be part of the Silver Oak Planned Unit Development. Setbacks have recently been reviewed and established with the development of each phase. It is noted setbacks have been based on the parcel size under previous variance requests in the past, but the request from the applicant at this time is to have the entire phase meet these requested setbacks rather than have setbacks attached to the size of the individual parcels. As previously mentioned, only three of the parcels would exceed 12,000 square foot in size, and only one of those would exceed 21,000 square foot in size. If a review of the size of the parcels were to be required with this variance, the three parcels exceeding 12,000 square feet would need to meet a higher standard for setbacks.

It is noted the following variations and modifications are currently approved per the Silver Oak Development and will continue to be in effect whether or not the requested variance is approved:

> *For any irregular shaped lot (which is defined as a lot in which lot corners are not 90 degree angles), on the end of a cul-de-sac and "bulbs" a builder may utilize an average in calculating the rear and side yard setbacks provided the rear yard shall not be less than 10 feet under the averaging method and side yard shall be no less than 5 feet under the averaging method. The stamp, signature and date of the Silver Oak Architectural Review Board shall be conclusive evidence that builder has satisfied the setback requirement set forth herein. All construction must be a minimum of three feet from the property lines.*
>
> *Patio areas and decks inclusive of covers and window awnings are allowable within rear, side and front yard setbacks, subject to Silver Oak Architectural Review Committee approval, and require stamp, signature and date*
>
> *Construction is required to be a minimum of three feet from the property line.*

PUBLIC COMMENTS: Public notices were mailed on December 1, 2017 and again on December 7, 2017 to 76 adjacent property owners within 600 feet of the subject site pursuant to the provisions of NRS and CCMC. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS: The following comments were received from various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Building Division comments:
No comments received

Engineering Division comments:
Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; on irregular shaped lots, minimum driveway length must average 18 feet.

Fire Department comments:
No concerns

Health Department comments:
No comments received

Environmental Control comments:
No comments received

FINDINGS: Staff recommends approval of the Variance based the findings below, pursuant to CCMC 18.02.085 (Variances), subject to the recommended conditions of approval, and further substantiated by the applicant's written justification.

1. **That because of special circumstances applicable to the subject property, including shape, size, topography, and location of surroundings, strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classifications.**

   The applicant is requesting a modification of the setbacks which were approved in the original Silver Oak Development Agreements consistent with the modifications approved under VAR-05-195, VAR-14-016 and TPUD-16-012 for Phases 16, 17, 18, 20 and 21 of the Silver Oak Development as shown in the tables included above. Other properties in the vicinity are also owned or are deed restricted under Covenant, Conditions and Restrictions provided by Silver Oak Development. Proposed sales of lots for construction of homes in this phase would have the same general appearance and therefore be encouraged to meet the same size, style and general design of homes in similar phases by the same developer. The setbacks proposed would be the same for the entire phase. The driveway lengths would be those approved under the Silver Oak Development Agreement at 18 feet. The height requested with this Variance would exceed the 28 feet approved under the Silver Oak Development Agreement. However, this request is to approve height to 36 feet as was previously approved under VAR-05-19, VAR-14-016 and TPUD-16-012 for phases 16, 17, 18 and 20. The height in phases 19 and 21 was restricted to 28 feet. The configuration of the lots in this entire phase

would utilize the same setback requirements. It is proposed that the setbacks for this entire phase be those shown in the table above.

2. **That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.**

An alternative to approval of the Variance process would be amending the Silver Oak Planned Unit Development. However, in 2005, staff and the developer agreed to utilize the Variance process to address modifications in setbacks and building height. The granting of the Variance can be supported, because this request is to continue the setback limitations as previously approved for several phases of the development. The continuation and desirability of these setbacks on these lots can be supported by the sales and development of those lots for single family construction in other phases under the terms of other variances approved for this development.

3. **That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.**

Silver Oak Phase 22 has not been finalized and the phase has yet not been recorded. Therefore, no homes are presently on the parcels under review. Potential buyers of parcels created under this phase would be informed as to the required setbacks in this development, as well as having an opportunity to view the other parcels which were developed under the conditions included in other approved Variances for the development of parcels in Silver Oak. Potential owners would be informed of the appearance and restrictions of proposed homes in this phase prior to purchase. Development of these sites would be with the full knowledge of required setbacks prior to investment. The appearance and setbacks of the homes in this phase will be similar to those approved under Phases 16, 17, 18 and 20 of the Silver Oak Development.

Attachments:
Site Photos
Engineering Comment
Fire Comment
Application (VAR-17-195)

Carson City , NV

November 14, 2017

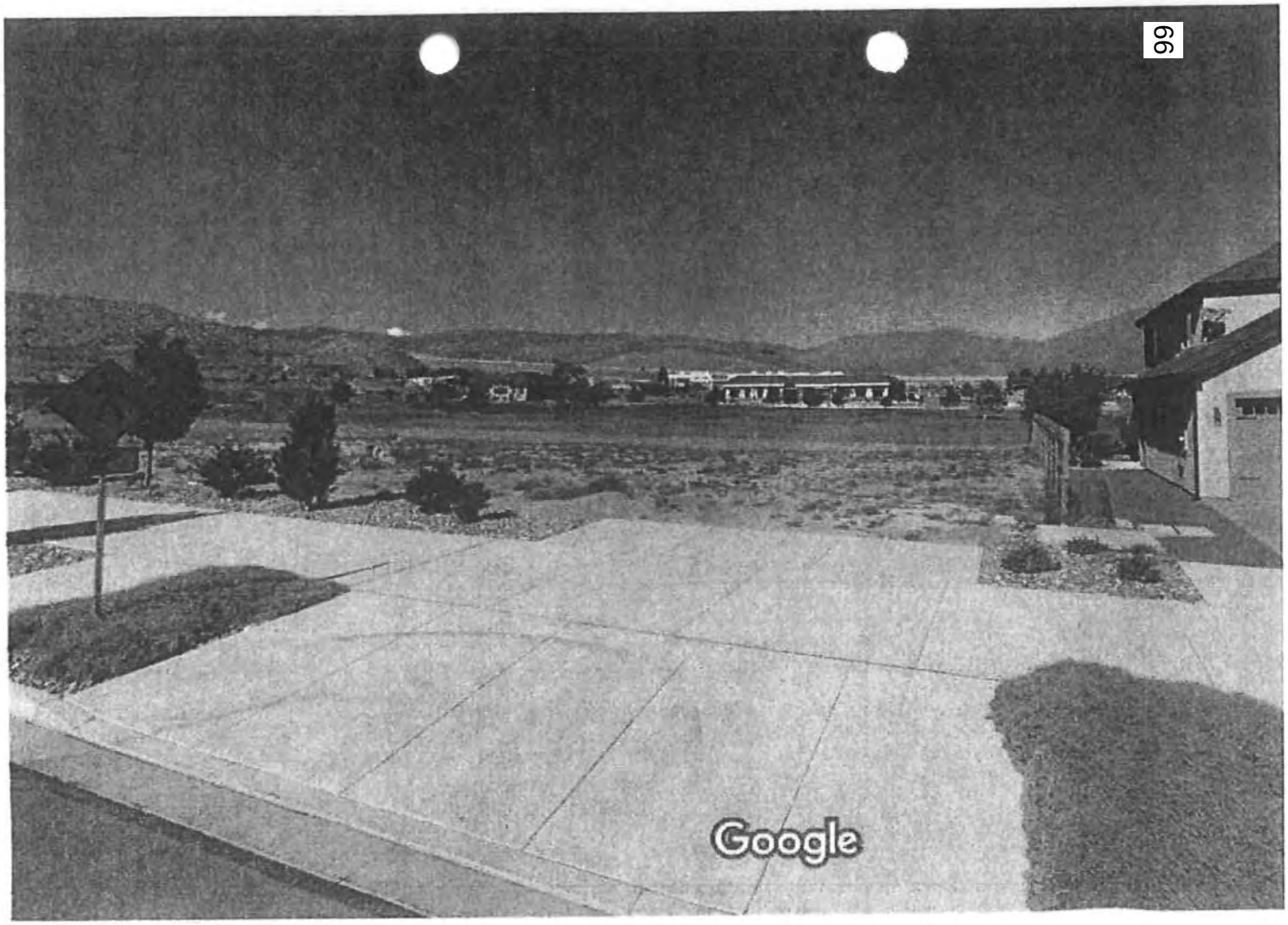
Property Information

Property ID	00755237
Location	STOCKE WY
Owner	SIERRA LAND DEVELOPMENT INC

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Carson City , NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 11/11/2017
Properties updated 11/11/2017


99
Google

Carson City Development Engineering
Planning Commission Report
File Number VAR-17-195

TO: Planning Commission

FROM: Stephen Pottey, P.E. – Development Engineering

DATE: December 7, 2017

MEETING DATE: December 20, 2017

SUBJECT TITLE:
Action to consider a Variance application from property owner Dale R Brown to change setbacks for Silver Oak Phase 22 at Stocke Way.

RECOMMENDATION:
Development Engineering has no objection to the variance request provided that the following conditions are met:

- Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; on irregular shaped lots, minimum driveway length must average 18 feet.

DISCUSSION:
Development Engineering has reviewed the request within our areas of purview relative to adopted standards and practices and to the provisions of C.C.M.C. 18.02.085, Variances:

C.C.M.C. 18.02.085 (2a) - Adequate Plans
The information submitted by the applicant is adequate for this analysis.

C.C.M.C. 18.02.085 (5a) – Site Constraints
There is a site constraint imposed by the new sidewalks and multiuse path, which must remain clear for pedestrian travel.

C.C.M.C. 18.02.085 (5b) – Preservation and Enjoyment of Property Rights
There are no constraints imposed by sewer, water, storm drain, or traffic infrastructure or geology that would impede preservation and enjoyment of property rights.

C.C.M.C. 18.02.085 (5c) - Adverse Affects to the Public
Granting this request will not adversely affect to a material degree the health and safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property provided that the above conditions of approval are met.

November 27, 2017

VAR-17-195

Fire

Fire has no comments for VAR 17-195

Dave Ruben

Fire Marshal

Carson City Fire Department

777 S. Stewart Street

Carson City, NV 89701

Direct 775-283-7153

Main 775-887-2210

FAX 775-887-2209

Carson City Planning Division
108 E. Proctor Street· Carson City NV 89701
Phone: (775) 887-2180 • E-mail: planning@carson.org

FOR OFFICE USE ONLY:

CCMC 18.02.085

VARIANCE

FILE # VAR - 17 - 195

FEE*: **$2,150.00 + noticing fee**
***Due after application is deemed complete by staff**

- ☐ **SUBMITTAL PACKET – 4 Complete Packets (1 Unbound Original and 3 Copies)**
  - ☐ Application Form
  - ☐ Detailed Written Project Description
  - ☐ Site Plan
  - ☐ Building Elevation Drawings and Floor Plans
  - ☐ Variance Findings
  - ☐ Applicant's Acknowledgment Statement
  - ☐ Documentation of Taxes Paid-to-Date
- ☐ **CD or USB DRIVE with complete application in PDF**

Application Reviewed and Received By:

_____

Submittal Deadline: See attached Planning Commission application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

APPLICANT	PHONE #
Sierra Land Development, Inc.	775 721-2321
MAILING ADDRESS, CITY, STATE, ZIP	
1502 N. Carson Street Ste 9 Carson City , NV 89701	
EMAIL ADDRESS	
dooogan@sbcglobal.net	
PROPERTY OWNER	**PHONE #**
Sierra Land Development, Inc.	775 721-2321
MAILING ADDRESS, CITY, STATE, ZIP	
1502 N. Carson Street Ste 9 Carson City, NV 89701	
EMAIL ADDRESS	
dooogan@sbcglobal.net	
APPLICANT AGENT/REPRESENTATIVE	**PHONE #**
Dale R. Brown	775 721-2321
MAILING ADDRESS, CITY, STATE, ZIP	
Same	
EMAIL ADDRESS	
Same	

Project's Assessor Parcel Number(s):	Street Address	
007-552-37	Stocke Way	
Project's Master Plan Designation	**Project's Current Zoning**	**Nearest Major Cross Street(s)**
PUD	SF12-P	Silver Oak Drive

Please provide a brief description of your proposed project below. Provide additional pages to describe your request in more detail.

Please see attached memo for description

PROPERTY OWNER'S AFFIDAVIT

I, Dale R. Brown, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

_____ 1502 N Carson St Ste 9 CC, NV 89701 11/7/2017
Signature Address Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA)
COUNTY)

On _____, 2___, _____, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

_____
Notary Public

NOTE: If your project is located within the Historic District or airport area, it may need to be scheduled before the Historic Resources Commission or the Airport Authority in addition to being scheduled for review by the Planning Commission. Planning staff can help you make this determination.

SIERRA LAND DEVELOPMENT, INC.
1502 N. CARSON STREET STE 9
Carson City, NV 89701
(775) 721-2321

VARIANCE APPLICATION

To: Carson City Planning and Community Development
From: Dale R. Brown, Sierra Land Development, Inc.
Date: November 7, 2017
Re: Variance application information

SITES AFFECTED BY THIS VARIANCE APPLICATION

1. Silver Oak Phase 22; LOTS 1-44 INCLUSIVE (to be recorded). Also currently known as 007-552-37

REASON FOR VARIANCE REQUEST

The following is a request for variance for Silver Oak Phase 22. The original setbacks for Silver Oak was restrictive and does not address the needs of today's homebuyers. The graduated setbacks originally in the PUD were based on lot size and should be changed so that they are the same for all lots regardless of size.

1. SILVER OAK PHASE 22, Siena at Silver Oak

(1) Front, Rear and Side Yard Setbacks

(a) Front yard – All lots

1. 12 feet to residential structure from the property line.

2. Minimum driveway length for front loading garages on rectangular lots from back of curb to garage door shall be 18 feet. Garage pop-outs may encroach in the 18' setback as long as the garage door averages 18 feet from the curb.

3. On irregular shaped lots, minimum driveway length for front loading garages from back of curb to the garage door must average 18 feet. Garage pop-outs may encroach into the 18 feet setback as long as the garage door averages 18' from the back of the curb.

4. Side load garages do not have a minimum driveway length but must follow the 12' minimum from the front property line to residential structure.

(b) Rear yard – All lots

1. Not including covered patios and decks 15 foot minimum.

2. Lots whose rear yards adjoin the golf course the full length of the rear property line 10 foot minimum.

(c) Side yard – All lots

1. Not including covered or uncovered patios and decks a 5 foot minimum.

(2) Irregular Lots

1. All Silver Oak lots in the remaining residential area (non-cluster area) shall be considered either "rectangular" or "irregular". For any irregular shaped lot, defined as a lot that is not a rectangle (four 90 degree corners), on a cul de sac and "bulb lots" a builder may use an average in calculating setbacks provided that the rear yard shall at no point be less than 10 feet from the structure using the averaging method and the side yard shall at no point be less than 5 feet from the structure using the averaging method. The stamp of the Silver Oak Architectural Review Committee shall be conclusive evidence that the builder has satisfied the setback requirement set forth herein.

(C) Height of Structures

1. Maximum roof height from average finished grade to ridge line is 36 feet.

END OF TEXT

VARIANCE FINDINGS

CCMC 18.02.085(5) FINDINGS

1. That because of the special circumstances to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classifications.

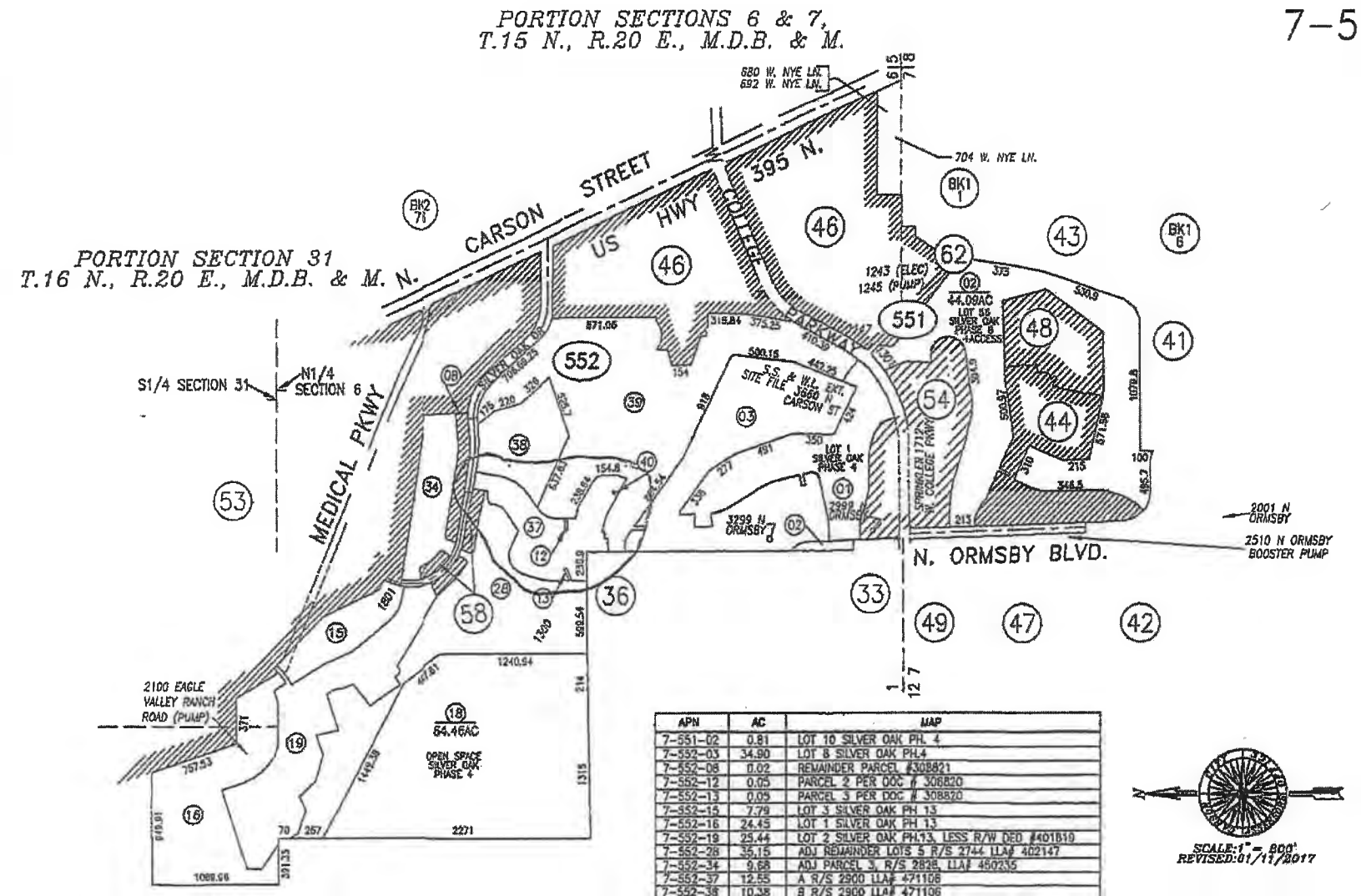
Explanation: All other recent phases of residential lots in the Silver Oak Planned Unit Development including Phase 16, Phase 17, Phase 18, and phase 20 were subject to the same setbacks requested in this variance. This phase was not contemplated at the time the last request for variance was made and granted. The granting of this variance request will result in consistent building setbacks amongst the existing phases of residential development within the boundaries of the PUD and will allow the construction of the types of housing product that the market demographics is demanding (almost exclusively single story homes).

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Explanation: The demographic group most often purchasing homes in Silver Oak prefers single story homes for obvious reasons. The granting of the requested setbacks will facilitate the construction of the product most appropriate for the market and in the highest demand.

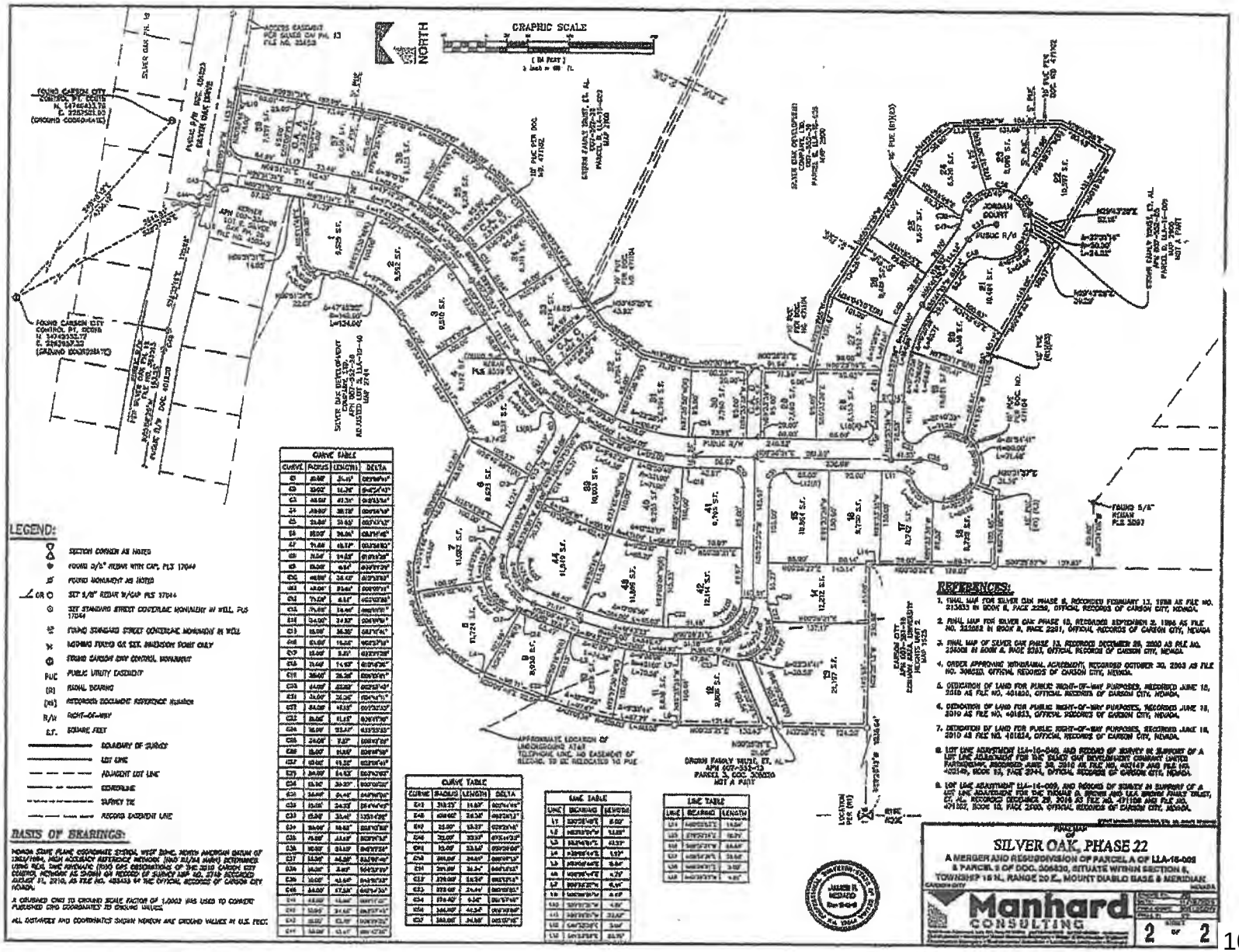
3. That granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the neighborhood of the subject property.

Explanation : The granting of this variance will not adversely affect any nearby or adjacent property and will result in appearances and setbacks that are already present in the community.The adjacent properties are the golf course and Phase 20 of Silver Oak whose setbacks are nearly identical to what is being requested. There should be virtually no visual differences between what has been already permitted in the Silver Oak PUD and these lots if the variance is granted as requested. I cannot conceive of circumstances where the public health, safety or general welfare would be adversely affected by the granting of this variance.



APN	AC	MAP
7-551-02	0.81	LOT 10 SILVER OAK PH. 4
7-552-03	34.90	LOT 8 SILVER OAK PH.4
7-552-08	0.02	REMAINDER PARCEL #308821
7-552-12	0.05	PARCEL 2 PER DOC # 308820
7-552-13	0.05	PARCEL 3 PER DOC # 308820
7-552-15	7.79	LOT 3 SILVER OAK PH 13
7-552-16	24.45	LOT 1 SILVER OAK PH 13
7-552-19	25.44	LOT 2 SILVER OAK PH.13, LESS R/W DED #401819
7-552-28	35.15	ADJ REMAINDER LOTS 5 R/S 2744 LLA# 402147
7-552-34	9.68	ADJ PARCEL 3, R/S 2828, LLA# 460235
7-552-37	12.55	A R/S 2900 LLA# 471106
7-552-38	10.38	B R/S 2900 LLA# 471106
7-552-39	53.97	C R/S 2900 LLA# 471106
7-552-40	0.02	D R/S 2900 LLA# 471106

PARCELS 007-552-45 IS NOW 007-552-40 AND 007-552-11 & 21 IS NOW 007-552-37 & 38 AND 007-552-24 IS NOW 007-552-39


GRAPHIC SCALE
NORTH
LEGEND:
BASIS OF BEARINGS:
REFERENCES:
SILVER OAK, PHASE 22
A MERGER AND RESUBDIVISION OF PARCEL A OF LLA-16-005 & PARCEL 5 OF DOC. 506830, SITUATE WITHIN SECTION 6, TOWNSHIP 15 N., RANGE 20 E., MOUNT DIABLO BASE & MERIDIAN
CARSON CITY NEVADA
Manhard CONSULTING
SHEET 2 OF 2

MAP ____

Manhard CONSULTING

Civil Engineering
Surveying
Water Resources Management
Construction Management
Landscape Architecture
Land Planning

Silver Oak PUD Amendment

Attachment 2

Revised: Section 2.2 of the Development Agreement for the Silver Oak Planned Unit Development: Clustered Housing

The following section of the Silver Oak Planned Unit Development Agreement references Clustered Housing Block sections and is proposed for amendment as depicted below. Strikethrough text is proposed for removal. Underlined text is added. Note that Block "BB" is already developed and is therefore proposed for removal. The Final Map for Block DD represents "Silver Oak 24" and has been submitted concurrently with this proposed amendment to the Development Agreement.

Section 2.2 – Cluster Housing

Contained within the PUD Tentative Map for THE PROJECT are various areas designated for cluster housing. These areas are delineated as Blocks ~~"BB",~~ "CC", "DD", "EE". These blocks have associated with them maximum allowable densities as follows:

~~"BB" – 160 units~~
"CC" – 145 units
"DD" – 92 units
"EE" – 66 units

These blocks of units shall be developed with a final map for each of the separate blocks, utilizing not more than the maximum density. ~~with building types of zero lot line, townhome, common wall or similar units referenced in the project approval.~~

Development of a block of units shall be by a final map showing the layout and design of the entire block with detail showing typical unit types, private common areas design and characteristics and parking detail.

Cluster housing standards set forth in the approved development matrix restrict lot sized to not less than four thousand (4,000) square feet with not less than forty (40) foot frontages. ~~Lot~~

~~coverage cannon exceed thirty-five (35%) percent of the lot area, including covered parking and the~~ The height of a unit from finished grade to the ridgeline cannot exceed twenty-eight (28) feet.

Additionally, the front, rear, side yard, and street side yard characteristics for various units within a clustered housing area are as follows:

Front- ~~-Where driveway aprons are provided, 18 feet to garage door measured from back of sidewalk or curb if no sidewalk. Ten foot minimum to living space.~~

~~-Where no driveway aprons are provided, 5 feet to garage door. Guest parking spaces must be provided in close proximity to the living unit at a ratio of 0.5 per unit.~~

~~-All two story elements must be a minimum of 10 feet from street.~~

~~-Two story elements shall not exceed 50% of the structure's frontage.~~

~~-Maximum of two units in a row with same set back.~~

10 feet to house with

18 feet to garage

Rear- ~~-10 foot minimum with an average of 15 feet. Ten foot elements must be off set in rear set backs.~~

~~All two story elements must be a minimum of 15 feet from the rear property line.~~

-5 feet to garage doors from alleys or rear property lines; or

15 feet for front-access units

Side Yard- ~~-12 feet on all zero lot or blank wall sides.~~

~~-Building to property lines, 7 feet for one story elements and 12 feet for two story elements.~~

~~-Building to Building, 15 feet for one story elements and 20 feet for two story elements.~~

5 feet; or

0' on one side and 10' on other

Street Side - 5 feet

Parking shall be provided per current Carson City Municipal Code standards for single family residential development, with two (2) spaces provided per residential unit.


SILVER OAK PUD
3/18/20 - SLDCCNV
Red - Overall Boundary
Yellow - Open Space
Green - Golf Course
Brown - Parks
7-552-16
7-552-19
7-552-15
7-552-34
7-552-18
7-552-28
7-552-41
7-461-17
7-552-43
7-461-13
7-491-05
7-474-12
7-551-02
7-422-13
N
Imus Rd
Ruby Ln
Silver Oak Dr
531
Radcliff Dr
Harvard Dr
Dartmouth Dr
College Dr
Orange Blvd
Combs Canyon Rd
Murphy Dr
Robb Dr
Amberwood Dr
Turner Ct
Evergreen Dr
Flint Ridge Dr
Simons Cr
Snowflake Dr
Christmas Tree Dr
Oak Ridge Dr
Marvin Dr
Wagner Dr
Glenn Dr
Harriet Dr
Mountain St
Richard Dr
Michael Dr
W Nye Ln
Google Earth
© 2020 Google
3000 ft

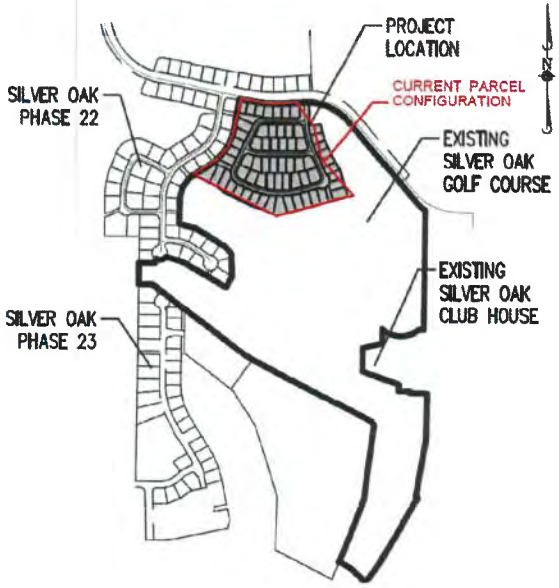
Attachment 4

SILVER OAK PUD - OPEN SPACE PARCEL ACCOUNTING

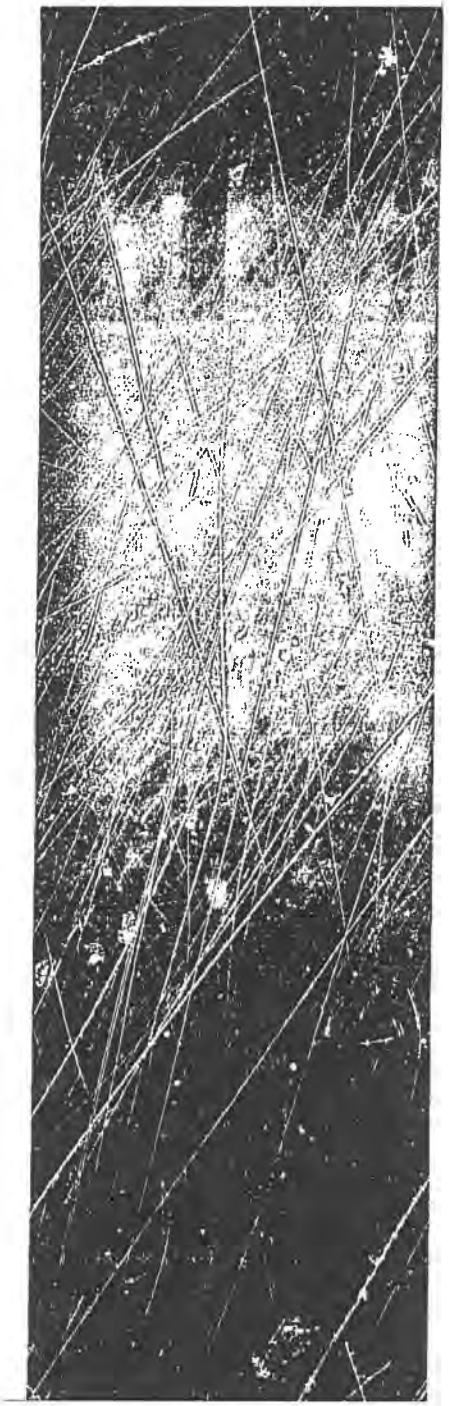
* including proposed reduction of 0.68 acres to APN 007-552-41 for merger and re-subdivision

Site Address	APN	Acreage Per Assessor	Owner	Parcel Type
OAK RIDGE DR	007-462-13	2.993	CARSON CITY	John Mankins Park
2350 SNOWFLAKE DR	007-422-13	1.95	SILVER OAK DEVELOPMENT CO LTD	Park/Common Open Space
FLINTWOOD DR	007-481-27	0.65	SILVER OAK DEVELOPMENT CO LTD	Park/Common Open Space
CHRISTMAS TREE DR	007-474-12	1.88	SILVER OAK DEVELOPMENT CO LTD	Park/Common Open Space
IVY BALDWIN CIR	007-461-17	0.72	SILVER OAK DEVELOPMENT CO LTD	Park/Common Open Space
N ORMSBY BLVD	007-424-41	0.19	SILVER OAK DEVELOPMENT CO LTD	Park/Common Open Space
FLINTWOOD DR	007-482-26	0.75	SILVER OAK DEVELOPMENT CO LTD	Park/Common Open Space
AMBERWOOD DR	007-491-05	0.57	SILVER OAK DEVELOPMENT CO LTD	Park/Common Open Space
SEC 06 15/20	007-552-18	64.46	SILVER OAK DEVELOPMENT CO LTD	Natural Open Space
1300 STOCKE WY	007-552-28	35.15	SILVER OAK DEVELOPMENT CO LTD	Natural Open Space
EAGLE VALLEY RANCH RD	007-552-16	24.45	SILVER OAK DEVELOPMENT CO LTD	Natural Open Space
SILVER OAK DR	007-552-34	9.682	SILVER OAK DEVELOPMENT CO LTD	Golf Course
W COLLEGE PKWY	007-552-43	19.81	SILVER OAK DEVELOPMENT CO LTD	Golf Course
EAGLE VALLEY RANCH RD	007-552-15	7.79	SILVER OAK DEVELOPMENT CO LTD	Golf Course
W COLLEGE PKWY	007-551-02	44.12	SILVER OAK DEVELOPMENT CO LTD	Golf Course
*** W COLLEGE PKWY**	**007-552-41**	53.85 / 52.53	SILVER OAK DEVELOPMENT CO LTD	Golf Course
Total		**269.015 / 268.335**		

* subtract 0.68 acres from 007-552-41
* reduced area of 007-552-41 is 52.53
* reduced area of Open Space is 268.335



Current OS (acres)	Proposed OS (acres)
Entire PD - 609.66 acres	
269.015 / 609.66	268.335 / 609.66
44.12% Open Space	**44.01% Open Spac**



cause a certified copy of this ordinance and the original development agreement to be filed with the Carson City Recorder.

PROPOSED this 16th day of December, 1993.

PROPOSED by Supervisor Tom Tatro

PASSED on the 6th day of January, 1994.

VOTE: AYES:

Janice Ayres

Tom Tatro

Kay Bennett

Marv Teixeira, Mayor

NAYES: None

ABSENT: Greg Smith

MARV TEIXEIRA, Mayor

ATTEST:

KIYOSHI NISHIKAWA, Clerk/Recorder

This ordinance shall be in force and effect from and after the 17th day of January, 1994.

SILVER OAK

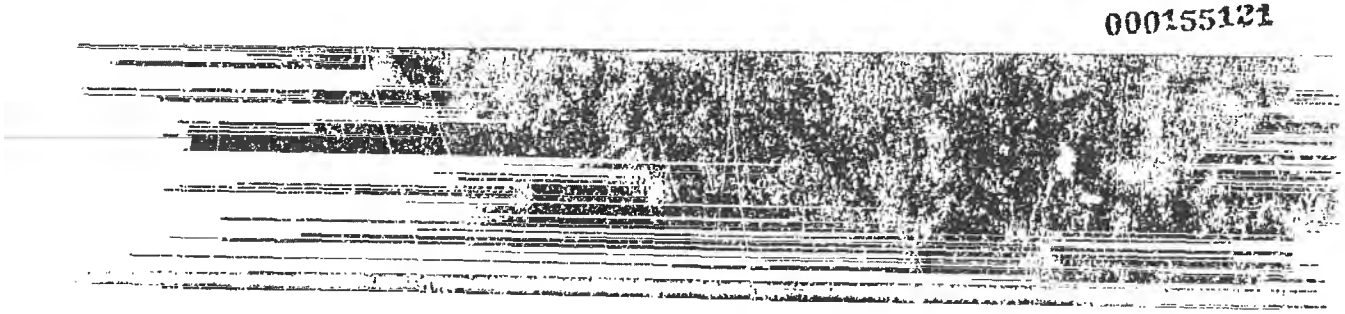
DEVELOPMENT AGREEMENT

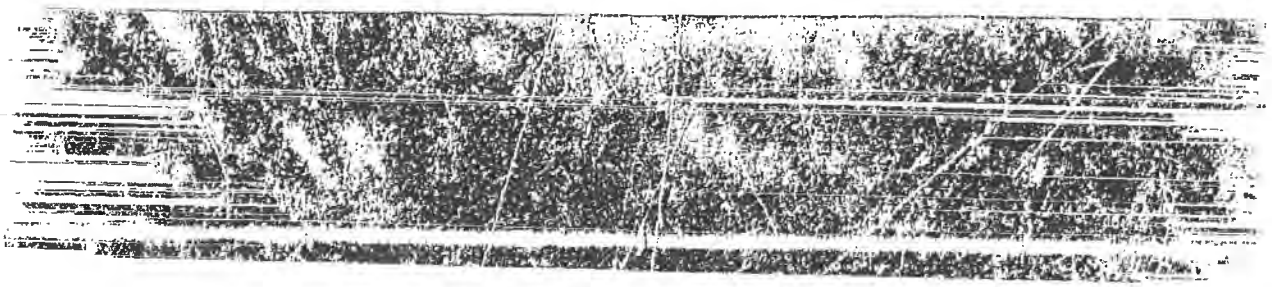
Exhibit "1"

0001551?1

DEVELOPMENT AGREEMENT

INDEX





DEVELOPMENT AGREEMENT

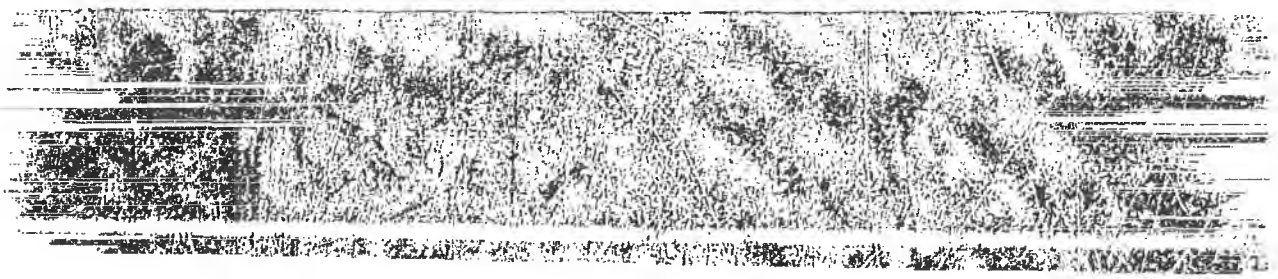
THIS DEVELOPMENT AGREEMENT made and entered into this 16th day of DECEMBER, 1993, by and between SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a Nevada limited partnership as Developer of that certain project known as SILVER OAK, hereinafter referred to as "DEVELOPER," and CARSON CITY, a consolidated municipality of the State of Nevada, hereinafter referred to as "CARSON CITY."

R E C I T A L S:

1. SILVER OAK, is a proposed development encompassing Six Hundred Fifty-One (651) acres of real property, more or less, located in Carson City, Nevada, more particularly described in Exhibit "A".

2. The Master Plan for SILVER OAK ("THE PROJECT") provides that THE PROJECT may be comprised of Eleven Hundred and Eighty-One (1181) dwelling units in varying densities and types, a golf course project and related facilities, hotel casino, commercial areas, residential office areas, open space area, and other uses customarily associated with a planned community.

3. On September 16, 1993, the Carson City Board of Supervisors approved a planned unit development tentative map for Eleven Hundred and Eighty-One (1181) dwelling units, a copy of the official minutes and conditions of approval of such action are



attached hereto as Exhibit "B" and incorporated herein by this reference.

4. One of the conditions of the approvals of the Tentative Planned Unit Development Map was that a Development Agreement be prepared to encompass the entire SILVER OAK property which should set forth the conditions and terms of approval relating to THE PROJECT.

5. DEVELOPER and CARSON CITY mutually desire that THE PROJECT be developed in accordance with this Development Agreement.

6. CARSON CITY and DEVELOPER desire to hereinafter have the provisions of this Development Agreement govern the development activities of THE PROJECT.

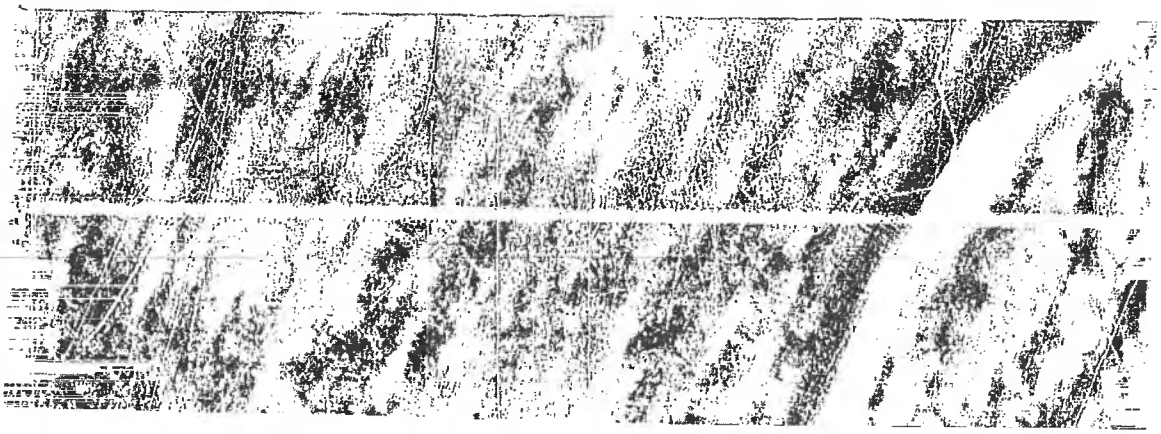
For good and valuable consideration, and the mutual covenants, conditions, and promises herein contained, the parties do agree as follows:

I.

PROJECT CHARACTERISTICS

THE PROJECT is a planned unit development project within the SF 12000-PUD, RC-PUD, TC-PUD, RO-FUD, NB-PUD, zoning designations together with all of the uses accessory to and customarily incidental to the above-referenced zones.

Based upon the present tentative planned unit project map, THE PROJECT will be comprised of Eleven Hundred and Eighty-One (1181) single-family dwelling units, a golf course and related facilities, a hotel casino, retail commercial areas, residential office areas, parks and other open space areas.



The aforementioned approval of THE PROJECT planned unit development project and this development agreement shall serve as the intent by CARSON CITY to approve the various phases of THE PROJECT, provided that all of the requisite conditions set forth herein are met.

II.

ADMINISTRATION OF THE PROJECT

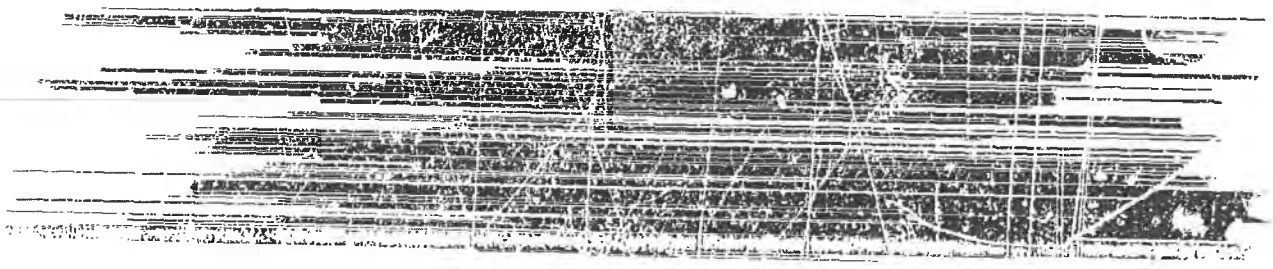
THE PROJECT shall be developed in accordance with the approval by the Carson City Board of Supervisors set forth in Exhibit "B" with the following characteristics and requirements:

2.1 Phasing

THE PROJECT development is anticipated to be developed in phases. The projected phasing plan will be sequential as depicted on the proposed phasing schedule attached hereto as Exhibit "C" and incorporated herein by this reference.

Any of the final map phases undertaken by DEVELOPER may proceed concurrently with project review and approvals to expedite the time frames for approval and recording. Nothing herein shall restrict the overlapping of phasing and concurrent developments or a change in the development phasing sequence so long as the terms of this Agreement are adhered to.

As THE PROJECT is recorded in phases, the development of on-site and off-site improvements shall correspond to the phases in question, subject to the satisfaction of the Carson City Community Development and Public Works Director or Utility Department prior to recordation of the final map for each applicable phase.



2.2 Cluster Housing

Contained within the PUD Tentative Map for THE PROJECT are various areas designated for cluster housing. These areas are delineated as Blocks "BB", "CC", "DD", and "EE". These blocks have associated with them maximum allowable densities as follows:

~~"BB" - 160 Units~~ -block BB is already developed

"CC" - 145 Units

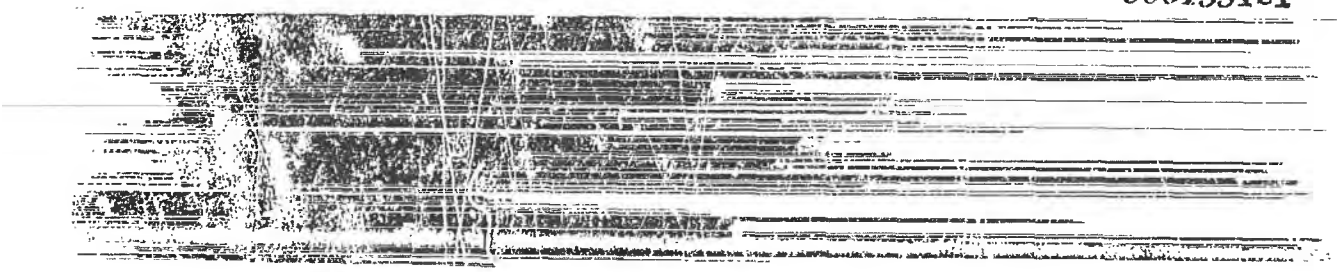
"DD" - 92 Units -subject site: Silver Oak 24 proposes 64 units

"EE" - 66 Units

These blocks of units shall be developed with a final map for each of the separate blocks, utilizing not more than the maximum allowable density ~~with building types of zero lot line, townhome, common wall or similar units referenced in the project approval.~~

Development of a block of units shall be by a final map showing the layout and design of the entire block with detail showing typical unit types, private common areas design and characteristics and parking detail.

Cluster housing standards set forth in the approved development matrix restrict lot sizes to not less than four thousand (4,000) square feet with not less than forty (40) foot frontages. ~~Lot coverage cannot exceed thirty-five (35%) percent of the lot area, including covered parking and~~ the height of a unit from finished grade to the ridgeline cannot exceed twenty-eight (28) feet.



Additionally, the front, rear and sideyard characteristics for various units within a clustered housing area are as follows:

* Front Yard - Where driveway aprons are provided, 18 feet to garage door measured from back of sidewalk or curb if no sidewalk. Ten foot minimum to living space.

- Where no driveway aprons are provided, 5 feet to garage door. Guest parking spaces must be provided in close proximity to the living unit at a ratio of 0.5 per unit.

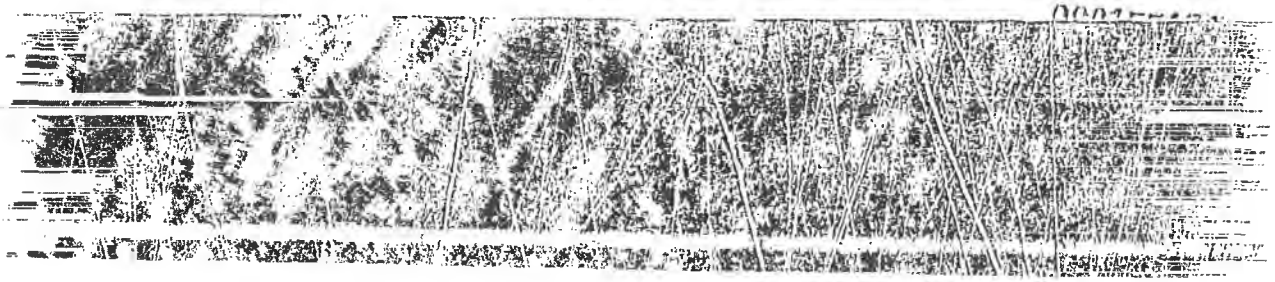
- All two story elements must be a minimum of 10 feet from street.

- Two story elements shall not exceed 50% of the structure's frontage.

- Maximum of two units in a row with same set back.

10 feet to house with

18 feet to garage



* **Rear Yard** - 10 foot minimum with an average of 15 feet. Ten foot elements must be off set in rear set backs.

- All two story elements must be a minimum of 15 feet from the rear property line.

- 5 feet to garage doors from alleys or rear property lines. or
15 feet for front-access units

* **Side Yard** - 12 feet on all zero lot or blank wall sides.

- Building to property lines, 7 feet for one story elements and 12 feet for two story elements.

- Building to Building, 15 feet for one story elements and 20 feet for two story elements.

Parking shall be provided per current Carson City Municipal Code standards for single family residential development, with (2) spaces provided per residential unit.

2.3 Utility Connections
5 feet; or
0' on one side and 10' on other

Within THE PROJECT, telephone, gas, and electrical power shall be provided by DEVELOPER to the building sites or dwelling unit and shall be placed underground to each lot or parcel.

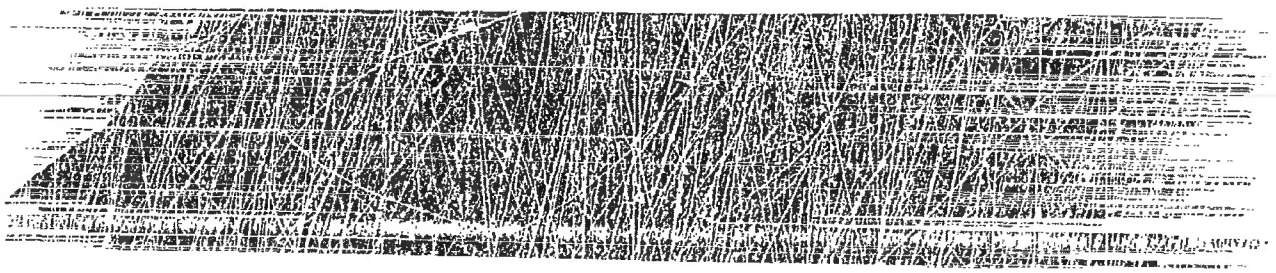
Public utility easements shall be granted and set forth on the final maps.

2.4 School Site

DEVELOPER has agreed to dedicate a ten (10) acre school site to the Carson City School District with the provision that the playground area shall be open for public use and for the Carson City Recreation Department, pursuant to the Joint Use Agreement between the Carson City School District and Carson City.

2.5 Final Map Financial Assurances

The approval of the anticipated final maps on each phase of THE PROJECT shall require a bond, cash deposit, lender set aside letter, letter of credit, an irrevocable certificate of deposit or other approved security to ensure completion of all or any portion of the public improvements within such phase equal to the approved engineer's cost estimate. DEVELOPER, at its discretion and option, may install any such public improvements within any phase prior to the recordation of that phase's final map in lieu of posting such security. Public improvements include streets, sewer collection system, electric, water distribution systems, drainage system improvements and gas lines where the same are dedicated to public agency or body. Any assurance provided shall be periodically reduced in accordance with City approval in order that the entire assurance will be exonerated on final completion or improvement construction, except for a ten percent (10%) retention in accordance with CCMC 17.28.030.



2.6 Grading, Drainage, and Erosion Control Measures

The grading, drainage, and erosion control plan for each phase shall be submitted with the final map for each of the various phases of THE PROJECT and shall be subject to approval by the City. The drainage design shall be in accordance with CCMC 17.36.030.

2.7 Restrictive Covenants

Prior to the filing of the final map for the first phase of THE PROJECT, DEVELOPER shall prepare and submit to the City, Covenants, Conditions and Restrictions (CC&Rs) intended to apply to THE PROJECT. Said CC&Rs shall be reviewed by the Carson City Community Development Department and the Carson City District Attorney's Office.

2.8 Expiration by Inaction

This Agreement adopted pursuant to CCMC 17.21.010 et seq. requires that THE PROJECT shall be diligently pursued and the approvals referenced above (if no extension has been granted) shall expire if the final map and commencement of construction for Phase 1 of THE PROJECT is not recorded and begun by September 15, 1995. In such event, DEVELOPER must make reapplication to CARSON CITY as if it were seeking approval for a new project. If the map for Phase 1 is recorded prior to September 15, 1995, this Agreement shall automatically extend the time for an additional two (2) year period from said date within which the next succeeding map for the next succeeding phase must be filed. So long as DEVELOPER files each phase within the two (2) year extension period provided in this Agreement, as envisioned herein, this Agreement shall remain

in full force and effect. DEVELOPER may request additional extensions beyond that date contemplated above if done in writing prior to expiration.

2.9 Further Covenants

CARSON CITY shall not require any payments, contributions, economic concession, other conditions for approvals, or authorizations or permits, contemplated within or by this Development Agreement other than as provided herein, or as provided in the Board of Carson City Supervisor's approval of September 16, 1993.

2.10 Mutual Cooperation

CARSON CITY shall cooperate with DEVELOPER to obtain all necessary approvals, permits or to meet other requirements which are or may be necessary to implement the intent of THE PROJECT approval in this Agreement. Nothing contained within this paragraph, however, shall require CARSON CITY or its employees to function on behalf of DEVELOPER nor shall this Agreement be construed as an implicit pre-approval of any further actions required by CARSON CITY.

2.11 Variances

As part of the approval of THE PROJECT, the DEVELOPER and CARSON CITY agreed that to avoid piecemeal, individual variance requests that THE PROJECT would be allowed the following specific variances from the otherwise applicable provisions of CCMC:

Cluster Area

a) The cluster housing area height of units is varied from twenty-six (26) feet to twenty-eight (28) feet.

b) Roadways in the cluster areas may be reduced from thirty-six (36) feet in width to twenty-six (26) feet in width provided that parking courts within the clustered housing area are created.

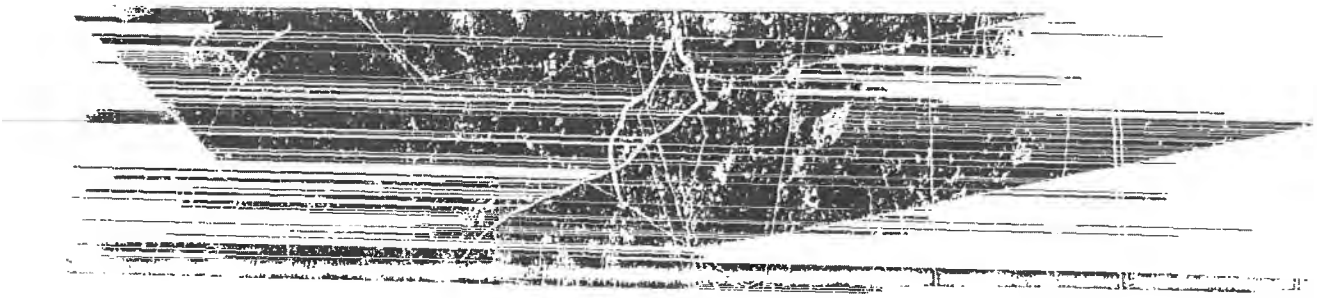
c) Lot size, set backs and configurations are to be in accordance with the standards set forth in Paragraph 2.2 hereof.

Remaining Residential Area

a) Except for residential lots within THE PROJECT, which abut existing residential structures where height is limited to twenty-two (22) feet from final grade, the height is otherwise varied from twenty-six (26) feet to twenty-eight (28) feet from finished grade to the ridgeline.

b) Roadway widths are varied from thirty-six (36) feet to thirty-two (32) feet of paved section within neighborhood areas and local streets with sidewalk and bicycle paths on one side of the street. Cul de sacs are not required to have sidewalks. All streets may utilize "rolled curb and gutter".

c) Front, rear and sideyard set backs are varied by lot size as follows:



* Front Yard

6000 to 7000 Sq. Ft. Lots

- 18 feet to garage door from back of sidewalk or curb if no sidewalk.

- 15 feet to living area or turn-in garage if average is 20 feet.

7001 to 8500 Sq. Ft. Lots

- 20 foot minimum with an average of 25 feet.

8501 Sq. Ft. to 15000 Sq. Ft.

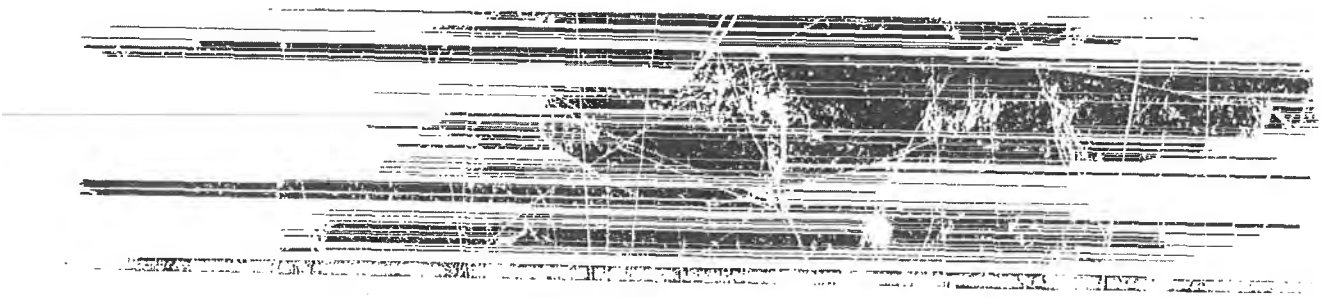
- 25 minimum with an average of 30 feet.

15000 St. Ft. and Greater

- 35 minimum with an average of 40 feet.

* Rear Yard

6000 to 7000 Sq. Ft.



- Not including uncovered patios and decks, 15 feet minimum with an average of 20 feet. Fifteen foot elements must be off set where rear lots adjoin.

- 20 foot minimum to two story elements.

7001 to 8500 Sq. Ft.

- 20 foot minimum, excluding uncovered patios and decks.

8501 Sq. Ft. to 15000 Sq. Ft.

- 25 foot minimum, excluding uncovered patios and decks.

15000 Sq. Ft. and Greater

- 35 foot minimum with an average of 40 feet.

- With the lot depth of over 200 feet, the minimum shall be 60 feet, except for tennis courts or non-enclosed pools and ancillary decks.

* Side Yard

6000 to 7000 Sq. Ft.

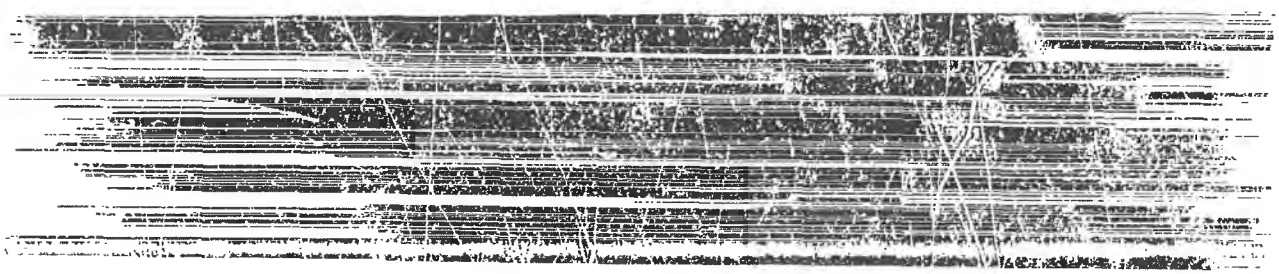
- Minimum 5 feet with a total of 15 feet.
- 10 feet to all two story elements.
- Add 5 feet to all above set backs for corner lots.

7001 to 8500 Sq. Ft.

- Minimum 8 feet with a total of 20 feet.
- 15 feet to all two story elements.
- Add 5 feet to all set backs for corner lots.

8501 Sq. Ft. to 15000 Sq. Ft.

- Minimum 10 feet with a total of 25 feet.
- 20 feet to all two story elements.



- Add 10 feet to all set backs for corner lots.

15000 Sq. Ft. and Greater

- Minimum of 20 feet with a total of 45 feet.

- Minimum of 25 feet to all two story elements.

- With lot widths of over 200 feet, the sideyard shall be not less than 40 feet with a total of 100 feet.

d) Patio areas and decks inclusive of covers and window awnings are allowable within rear, side and front yard set backs subject to Architectural Review Committee approval.

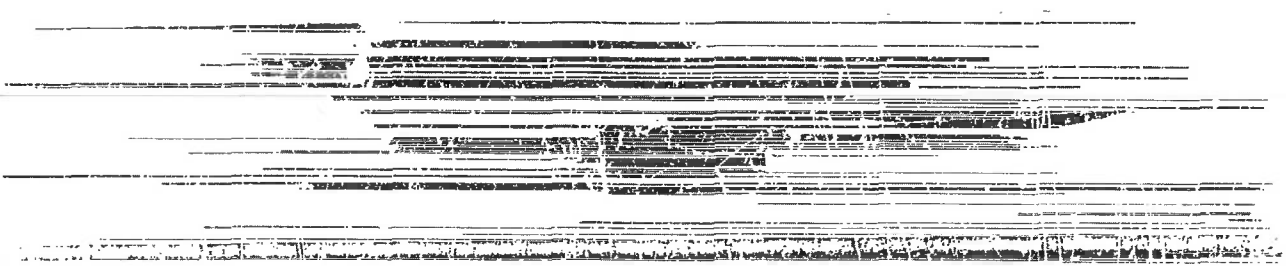
e) The twenty-five (25) foot peripheral boundary set back is eliminated.

III.

PUBLIC SAFETY COMPONENTS

3.1 Fire

All construction shall be in accordance with the Nevada Fire Code and applicable Carson City requirements.



The project shall be connected to the Carson City water system for fire suppression service, including construction of the necessary improvements to the satisfaction of CARSON CITY.

3.2 Lighting

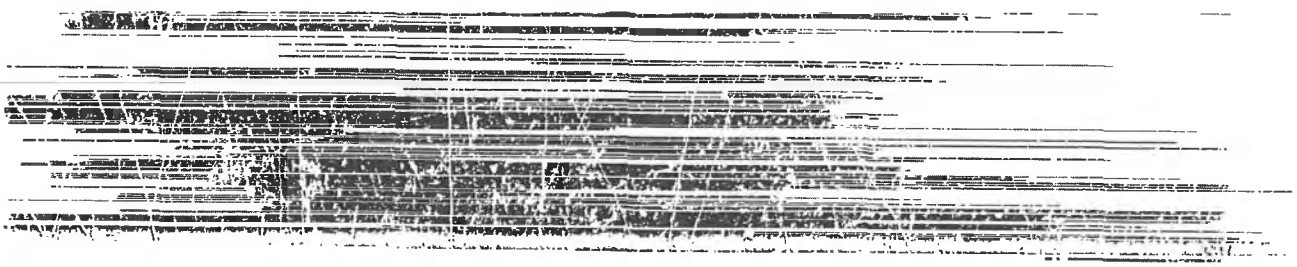
The DEVELOPER shall install low-glare lighting at locations approved by the Carson City Sheriff's Office and the Public Works Department and may utilize distinctive lamp posts compatible with the architectural characteristics of THE PROJECT.

IV.

PROJECT WATER AND WASTEWATER SYSTEM COMPONENTS

The DEVELOPER shall comply with the provisions of the Carson City Municipal Code, and make a perpetual offer of dedication of the sewer system, and water system sufficient to provide fire and domestic flows, to the satisfaction of the Carson City Public Utility Department. The project subdivision shall be connected to the Carson City water system for domestic service.

The project shall be connected to the Carson City wastewater treatment plant for sewer service. At such time as a phase of THE PROJECT will have the effect of diminishing the fire flow below the applicable provisions of the Uniform Fire Code or reduce the peak water pressure below 60 PSI, unless otherwise agreed to by the Carson City Public Utility Department, then the DEVELOPER shall construct a booster pumping plant and a water storage facility of approximately two million (2,000,000) gallons



in a location to be agreed upon with the Carson City Utility Department. The construction of the tank will be subject to the reimbursement provisions of Article 9.2 hereof.

The DEVELOPER agrees to donate and convey to Carson City a well-site in the location selected by the Carson City Utility Department in the northwesterly portion of THE PROJECT as depicted on THE PROJECT'S PUD tentative map.

The DEVELOPER and CARSON CITY shall enter into an agreement for the delivery and use of effluent or reuse water to the SILVER OAK PROJECT.

V.

OPEN SPACE

5.1 Construction

In connection with the approval of Planned Unit Development, the DEVELOPER has indicated that the phasing of the improvements of open space areas, other than the golf course and related facilities, but specifically the bike and pedestrian paths, pocket parks and shared use areas with the Carson City School District will proceed on a basis concurrent with each phase of development as specified in the conditions of approval.

It is specifically acknowledged that the DEVELOPER may utilize residential construction tax (RCT) monies or credits attributable only to units within THE PROJECT for construction of the park facility, the pedestrian and bike paths along Winnie Lane, Ormsby Boulevard, Community College Parkway and Silver Oak Drive

which shall be dedicated to Carson City. All other parkways, bicycle paths or parks shall be constructed with DEVELOPER funds.

Should the RCT funds be insufficient to construct the improvements, the DEVELOPER shall provide the additional funds.

5.3 Maintenance

After completion of the open space improvements which are to be conveyed to Carson City, the DEVELOPER shall maintain the improvements for a period of two (2) years before dedication and maintenance by Carson City is accepted.

VI.

TRANSPORTATION IMPROVEMENT COMPONENTS

6.1 Internal Local Project Roads

All internal roads within THE PROJECT shall be built to Carson City Municipal Code Standards (except where variances have been requested and granted) and dedicated to CARSON CITY. Roadway standards for THE PROJECT as varied are set forth in THE PROJECT'S application street detail on the PUD tentative map.

6.2 Collector Roadway Improvements

Ormsby Blvd., will be improved in the roadway section depicted in the project approval on a phased basis corresponding to the Exhibit "C" phasing schedule.

Community College Parkway (formerly Graves and Nye) will be expanded to the roadway section depicted in the project approval from Ormsby to Ivy Baldwin Drive when traffic reaches service level C, or when there are 30,000 average daily trips or earlier at the DEVELOPER'S discretion, but not later than the completion of the

Block 'L' residential units. The balance of Community College Parkway from Ormsby to the westerly edge of the project will be expanded to the roadway section depicted in the project approval in conjunction with the completion of the adjoining residential units.

Ivy Baldwin Drive will be completed to the roadway section depicted in the project approval from Community College Parkway to Country Club Court prior to opening of the golf course. The remainder of Ivy Baldwin Drive will be completed to Silver Oak Avenue in conjunction with the completion of hotel casino facility or the commencement of Phase VI whichever first occurs. Completion of the hotel casino facility will require the completion of the improvements of the Silver Oak Avenue/U.S. Highway 395 intersection and signal.

At such time as the traffic flow at the intersection of Ivy Baldwin Drive and Community College Parkway warrant signalization in the opinion of the Public Works Director, the DEVELOPER shall install a signal or other required intersection control.

VII.

PROJECT CONSTRUCTION REQUIREMENTS

All construction of THE PROJECT shall be done in accordance with the Standards Specification For Public Works Construction as adopted by CARSON CITY and all their applicable state and local codes, ordinances and statutes except as varied by the Project Approval.

conditions of this Development agreement, the party alleging such default or breach shall give the other party not less than thirty (30) days notice in writing, specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured. During any such thirty (30) day period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings, or issuance of any building permit.

After notice and expiration of the thirty (30) day period, the nondefaulting party to this Development Agreement, at its option, may institute legal proceedings pursuant to this Agreement. Following notice of intent to terminate, the matter shall be scheduled for consideration and review by CARSON CITY.

Following consideration of the facts and evidence presented in said review before CARSON CITY, either party alleging the default by the other party may give written notice of termination of this Development Agreement to the other party.

Evidence of default may also arise in the course of periodic review of this Development Agreement. If either party determines that the other party is in default following the completion of the normal periodic review, said party may give written notice of termination of this Development Agreement as set forth in this section, specifying in said notice the alleged nature of the defaul , and potential actions to cure said default where appropriate. If the alleged default is not cured within sixty (60) days or within such longer period specified in the notice, or if

the defaulting party waives its right to cure such alleged default, this Development Agreement shall be deemed terminated.

It is hereby acknowledged and agreed that any portion of THE PROJECT which is the subject of a final map shall not be affected by or jeopardized in any respect by any subsequent default affecting THE PROJECT. In the event CARSON CITY does not accept, review, approve or issue necessary permits or entitlements for use in a timely fashion as defined by this Development Agreement, or as otherwise agreed to by the parties, or CARSON CITY otherwise defaults under the terms of this Development Agreement, CARSON CITY agrees that DEVELOPER shall not be obligated to proceed with or complete THE PROJECT, or any phase thereof, nor shall resulting delays in DEVELOPER's performance constitute grounds for termination or cancellation of this Development Agreement.

8.2 Enforced Delay, Extension of Time of Performance

In addition to specific provisions of this Development Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walk-outs, riots, floods, earthquakes, avalanches, inclement weather, fires, casualties, acts of God, governmental restrictions imposed or mandated by other governmental entities, not parties to this Agreement, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation, or similar bases for excused performance. If written notice of such delay is given to CARSON CITY within thirty (30) days of the commencement of such delay, an

extension of time for such cause shall be granted in writing for the period of the enforced delay, as may be mutually agreed upon.

In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation.

IX.

MISCELLANEOUS

9.1 Carson City Code

THE PROJECT shall comply with all ordinances and fees adopted by CARSON CITY, applied on a uniform basis to all development projects in CARSON CITY.

Final maps shall comply with the Exhibit "B" conditions and be recorded in accordance with all applicable CARSON CITY ordinances.

The proposed development shall be in accord with the objective of Title 17 of Carson City Municipal Code.

Should any provision of this Agreement be deemed to be in conflict with the Exhibit "B" conditions of approval, the Exhibit "B" conditions shall control.

9.2 Cost Reimbursement

To the extent that the DEVELOPER constructs water line, sewer line, or roadway improvements which are oversized or in excess of the standard required to offset the impact attributable to DEVELOPER'S PROJECT, the DEVELOPER shall receive a prorata reimbursement for such oversized improvements. The reimbursement

shall be the subject of a specific reimbursement agreement for each such oversized project. The reimbursement will be paid to the DEVELOPER at such time as a third party entity, inclusive of CARSON CITY utilizes the benefit of such oversized improvements.

X.

APPLICABLE LAW AND ATTORNEYS' FEES

This Development Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Should any legal action be brought by either party relating to this Development Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the court.

XI.

SUCCESSORS AND ASSIGNS

The parties hereto agree that the terms and conditions of this Agreement shall bind and inure to the benefit of the parties' successors and assigns.

XII.

ENTIRE AGREEMENT

This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, and supersedes all other agreements, written or oral, between the parties with respect to such subject matter.

XIII.

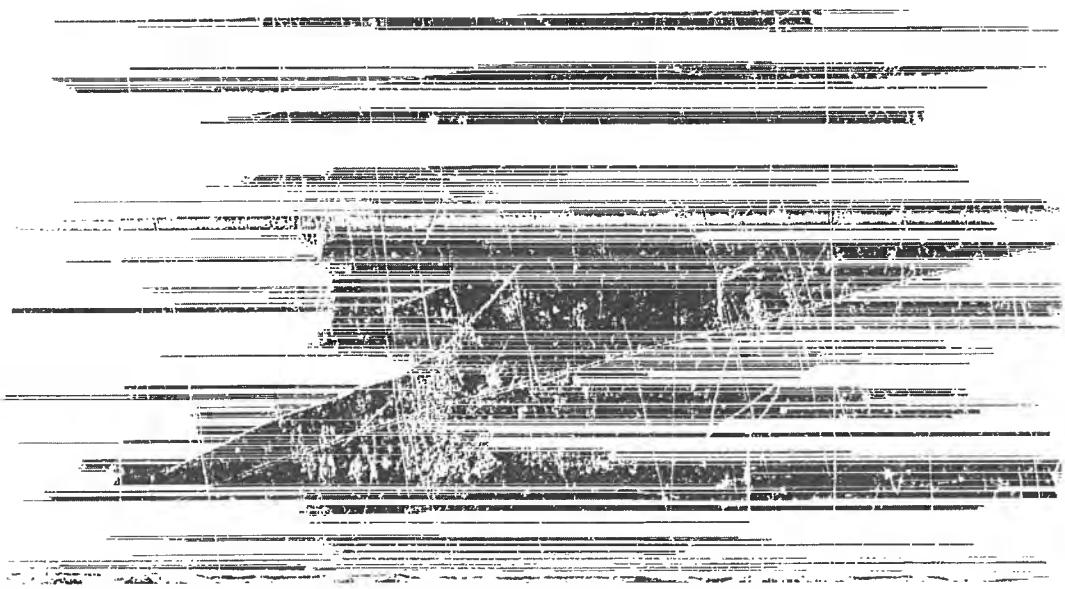
HOLD HARMLESS AND INDEMNIFICATION

DEVELOPER hereby agrees to, and shall hold CARSON CITY, its elective and appointive boards, commissions, officers, agents and employees harmless from any liability for damage or claims for property damage which may arise from DEVELOPER's or DEVELOPER's contractors', subcontractors', agents', or employees' operations under this Development Agreement, whether such operations by DEVELOPER or by any of DEVELOPER's contractors, subcontractors, or by any one or more person directly or indirectly employed by, or acting as agent for DEVELOPER or any of DEVELOPER's contractors or subcontractors. DEVELOPER agrees to, and shall defend CARSON CITY, its elective and appointive boards, commissions, officers, agents and employees, from any suits or actions at law or in equity for damage caused or alleged to have been caused by reason of the aforesaid operations.

XIV.

PROJECT AS PRIVATE UNDERTAKING

It is specifically understood and agreed by and between the parties hereto that the subject PROJECT is a private development and no partnership, joint venture or other association of any kind is formed by this Development Agreement. The only relationship between CARSON CITY and DEVELOPER is that of a government entity regulating the development of private property within the parameters of applicable law and the owner of such private property.



XV.

FURTHER ASSURANCES

In the event of any legal action instituted by any third party or other government entity or official challenging this Development Agreement, CARSON CITY and DEVELOPER shall cooperate and use their best efforts in defending any such action.

Effective this 16th day of December, 1993.

"DEVELOPER"

SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a Nevada limited partnership
By its General Partner,
GTS, PARTNERS INC., a Nevada corporation

By: _____
GARTH RICHARDS
Its President

By: _____
THOMAS BROWN
Its Vice President

By: _____
STEPHEN D. HARTMAN
Its Secretary

"CARSON CITY"

By: _____
MARV TEIXERIA
Mayor of Carson City

APPROVED AS TO FORM:

By: _____
PAUL LIPPARELLI, ESQ.
CARSON CITY DEPUTY DISTRICT ATTORNEY

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 10th day of December, 1993, before me, a notary public, personally appeared GARTH RICHARDS, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Virginia A. Powell
NOTARY PUBLIC

VIRGINIA A. POWELL
NOTARY PUBLIC - NEVADA
WASHOE COUNTY
My Appt. Expires April 1, 1994

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 27th day of December, 1993, before me, a notary public, personally appeared THOMAS BROWN, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Virginia A. Powell
NOTARY PUBLIC

VIRGINIA A. POWELL
NOTARY PUBLIC - NEVADA
WASHOE COUNTY
My Appt. Expires April 1, 1994

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 16th day of December, 1993, before me, a notary public, personally appeared STEPHEN D. HARTMAN, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Virginia A. Powell
NOTARY PUBLIC

VIRGINIA A. POWELL
NOTARY PUBLIC - NEVADA
WASHOE COUNTY
My Appt. Expires April 1, 1994

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 6th day of January, 1994, before me, a notary public, personally appeared Mavu Teixeira, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Katherine L McLaughlin
NOTARY PUBLIC

KATHERINE L. McLAUGHLIN
NOTARY PUBLIC
NEVADA
LYON COUNTY
My Appt Exp Sept 21 1995

STATE OF NEVADA)
: ss.
CARSON CITY)

On this 29th day of December, 1993, before me, a notary public, personally appeared PAUL LIPPARELLI, personally known (or proved to me to be the person who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.

Jeri L. Mihelic
NOTARY PUBLIC

JERI L. MIHELIC
NOTARY PUBLIC - NEVADA
DOUGLAS COUNTY
My Appt. Exp. Feb. 28, 1996

000155121

EXHIBIT "A"

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN CARSON CITY, NEVADA, AND IS DESCRIBED AS FOLLOWS:

A portion of the southeast 1/4 of Section 6, Township 15 North, Range 20 East, M.D.B. & M., described as follows:

Parcel 4 as shown on the Amended Parcel Map for SILVER OAK DEVELOPMENT COMPANY, filed in the office of the Carson City Recorder on October 13, 1993, in Book 7 of Maps, Page 2030, File No. 150922.

Parcels A, B, C, and D as set forth on parcel map for MARSHALL S. ASHCRAFT, filed for record in the office of the Carson City Recorder on April 27, 1982, in Book 4, Page 926 as Document No. 10863. Official Records of Carson City, Nevada.

Together with an easement for ingress and egress as set forth in document filed for record in the office of the Carson City Recorder on September 4, 1979 in Book 260, Page 517 as Document No. 90505 Official Records of Carson City, Nevada.

A parcel of land over and across a portion of the Southwest 1/4 of the Northeast 1/4 of Section 6, Township 15 North, Range 20 East, M.D.B.&M., and described more fully by metes and bounds as follows, to-wit:

Beginning at a point 48 feet left or westerly, and at right angles to HIGHWAY ENGINEER'S STATION "O S1 "85+60.00 P.O.T. said point further described as bearing South 29°52'02" East, a distance of 1526.08 feet from the south quarter corner of Section 31, Township 16 North, Range 20 East, M.D.B.&M., thence South 25°13'03" East along the left or Westerly 48.00 foot highway right of way line a distance of 136.11 feet to an intersection with the Southerly boundary of said property, thence North 49°32'03" West along the Westerly boundary of said property a distance of 234.80 feet to an intersection with North East-West one-sixteenth section line of said Section 6; thence South 84°08'30" East a distance of 56.16 feet to a point; thence South 70°03'01" East a distance of 68.90 feet to the point of beginning.

000155121

EXHIBIT B

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 16, 1993, Meeting
Page 11

that the barricades should remain until the stop signs are installed. Both Supervisors Tatro and Bennett felt it was necessary to keep the one barricade at Desatoya and Airport Road until another alternative is created. Mayor Teixeira then passed the gavel to Mayor Pro-Tem Bennett and moved that the Board instruct the Public Works Department to remove all the barricades in the area that are presently there and, 1. To install two stop signs on Woodside Drive at the best points, which the map indicates the ideal areas may be at Monte Rosa and a second point, 2. To install two stop signs on Desatoya, which could be Monte Rosa and Siskiyou, and due to the point that the traffic needed to be slowed down on the streets leading into the Empire School, 3. To install a stop sign at the intersection of Airport and Gordonia, which should slow the traffic prior to the left turn. He then directed staff to work with the community and return if additional changes are necessary. Supervisor Smith seconded the motion. Discussion ensued on the locations for stop signs. Supervisor Tatro suggested the motion be amended to include a three-way stop at Gordonia and Monte Rosa, however, following discussion felt it was not feasible. Mr. Homann indicated the barricades could be removed tomorrow, however, was unsure when the stop signs could be installed but felt that a week was possible. Supervisor Smith suggested the motion be amended to include Public Works to bring back other alternatives for resolving the problem for the entire area. Mayor Teixeira felt this had been addressed in his statement that it was a start and could be modified as time requires. Clarification for both Mr. O'Brien and Mr. Lipparelli indicated Mayor Teixeira's number of stop signs did not mean the number to be installed at one location but rather the number of sites to be located on that street--two separate sites on Woodside and two on Desatoya. Mr. O'Brien requested clear direction that the signs on Woodside be at Siskiyou and Monte Rosa. Mayor Teixeira agreed to "try it". Mr. O'Brien noted that none of the intersections warranted stop signs. Mayor Teixeira then amended his motion to place stop signs on Woodside at Monte Rosa and at Woodside and Siskiyou. He then clarified his motion to indicate there would be stop signs at La Loma and Monte Rosa. Supervisor Smith continued his second. Mayor Teixeira indicated the recommendations made by Mr. O'Brien would be the ones "we will go with". Supervisor Smith continued his second. The motion as amended was voted by roll call with the following results: Ayres - Yes; Tatro - No; Smith - Yes; Teixeira - Yes; and Mayor Pro-Tem Bennett - Yes. Motion carried 4-1.

BREAK: An eight minute recess was declared at 7:18 p.m. When the meeting reconvened at 7:26 p.m. the entire Board was present constituting a quorum. Mayor Pro-Tem Bennett returned the gavel to Mayor Teixeira.

13. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan, Parks and Recreation Director Steve Kastens, Senior Planner Juan Guzman, and Associate Planner Sandra Danforth

A. PLANNING COMMISSION REVIEW AND APPEAL ITEMS - ACTION ON MPA-93/94-1 - A MASTER PLAN AMENDMENT REQUEST FROM G.T.S. PARTNERS, INC. (PROPERTY OWNERS: SILVER OAK DEVELOPMENT COMPANY, MARSHALL ASHCRAFT AND NEVADA CHILDREN'S FOUNDATION) TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM

000155121

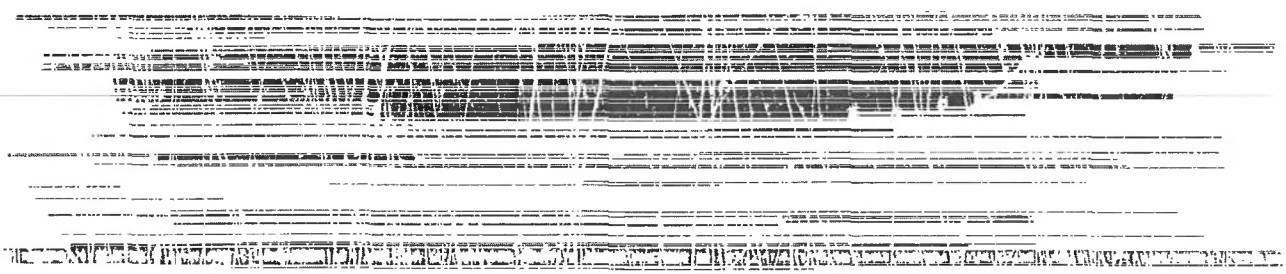


EXHIBIT B

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 16, 1993, Meeting
Page 12

COMMERCIAL AND SUBURBAN RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL AND COMMERCIAL, AND TO AMEND THE STREETS AND HIGHWAYS MASTER PLAN ELEMENT REGARDING THE REALIGNMENT OF THE PROPOSED GRAVES LANE TO COMBS CANYON ROADWAY TO CONNECT INSTEAD WITH WEST NYE LANE NEAR THE WESTERN NEVADA COMMUNITY COLLEGE, ON APPROXIMATELY 683 ACRES OF LAND LOCATED IN THE NORTHWEST PORTION OF CARSON CITY BETWEEN U.S. HIGHWAY 395 ON THE EAST, THE WESTERN NEVADA COMMUNITY COLLEGE CAMPUS AND THE UNIVERSITY HEIGHTS SUBDIVISION ON THE WEST, WINNIE LANE ON THE SOUTH AND THE EAGLE VALLEY CHILDREN'S HOME ON THE NORTH, ASSESSOR'S PARCEL NUMBERS 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, AND 7-091-68 (PORTION) - (PLANNING COMMISSION APPROVED 7-0-0-0)

B. ORDINANCE - FIRST READING - ACTION ON Z-93/94-1 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBERS 8-061-02 AND 17, 7-091-55, 56, 57, AND 7-091-68 (PORTION), SAID PARCELS BEING LOCATED IN THE NORTHWEST PORTION OF CARSON CITY, WEST OF HIGHWAY 395, SOUTH OF EAGLE VALLEY CHILDREN'S HOME, NORTH OF WINNIE LANE, EAST OF WESTERN NEVADA COMMUNITY COLLEGE AND UNIVERSITY HEIGHTS SUBDIVISION IN CARSON CITY, NEVADA, FROM SINGLE FAMILY TWO ACRE (SF2A), SINGLE FAMILY ONE ACRE (SF1A), SINGLE FAMILY 12,000 (SF12000), AND CONSERVATION RESERVE (CR) TO SINGLE FAMILY 12,000-PUD (SF12000-PUD), RETAIL COMMERCIAL-PUD (RC-PUD), TOURIST COMMERCIAL-PUD (TC-PUD), RESIDENTIAL OFFICE-PUD (RO-PUD), AND NEIGHBORHOOD BUSINESS-PUD (NB-PUD) ZONING (PLANNING COMMISSION APPROVED 7-0-0-0)

C. PLANNING COMMISSION REVIEW ITEMS

1. ACTION ON P-93/94-1 - A REQUEST FROM G.T.S. PARTNERS, INC. (PROPERTY OWNERS: SILVER OAK DEVELOPMENT COMPANY, MARSHALL ASHCRAFT AND NEVADA CHILDREN'S FOUNDATION) FOR A SF12000 PLANNED UNIT DEVELOPMENT (SILVER OAK PLANNED UNIT DEVELOPMENT) ON APPROXIMATELY 683 ACRES OF LAND; THE PROPOSED DEVELOPMENT WILL CONSIST OF APPROXIMATELY 308 ACRES OF OPEN SPACE; APPROXIMATELY 78.9 ACRES OF COMMERCIAL AREA; APPROXIMATELY 13.6 ACRES FOR PARK/SCHOOL SITE; APPROXIMATELY 225.2 ACRES FOR SINGLE FAMILY AND CLUSTER RESIDENTIAL DEVELOPMENT (FOR A TOTAL OF 1,191 LOTS); AND APPROXIMATELY 59.9 ACRES OF ROADWAYS; THE REQUEST ALSO INCLUDES VARIANCES FOR FRONT, SIDE AND REAR SETBACKS; BUILDING HEIGHTS; LOT SIZE AND WIDTHS; ROADWAY WIDTH; AND PERIPHERAL BOUNDARY SETBACKS; THE AREA IS CURRENTLY ZONED RETAIL COMMERCIAL (RC), SINGLE FAMILY ONE ACRE(SF1A), SINGLE FAMILY 12,000 (SF12000), SINGLE FAMILY TWO ACRES (SF2A), AND CONSERVATION RESERVE (CR); THE PROPERTY IS LOCATED IN THE NORTHWEST PORTION OF CARSON CITY BETWEEN HIGHWAY 395 ON THE EAST, THE WESTERN NEVADA COMMUNITY COLLEGE CAMPUS AND UNIVERSITY HEIGHTS SUBDIVISION ON THE WEST, WINNIE LANE ON THE SOUTH AND THE EAGLE VALLEY CHILDREN'S HOME ON THE NORTH; ASSESSOR'S PARCEL NUMBERS 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, AND 7-091-68 (PORTION) - (PLANNING COMMISSION APPROVED 7-0-0-0)

11. ACTION ON U-93/94-6 - A SPECIAL USE PERMIT APPLICATION FROM SILVER OAK DEVELOPMENT COMPANY TO ALLOW DEVELOPMENT OF A SUPER K-MART BUSINESS ON A PARCEL OF LAND DIVIDED BY FOUR ZONING DISTRICTS (RETAIL COMMERCIAL (RC), SINGLE FAMILY ONE ACRE (SF1A), SINGLE FAMILY 12,000

000155121

EXHIBIT B

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 16, 1993, Meeting
Page 13

(SF12000), AND SINGLE FAMILY TWO ACRES (SF2A) ON APPROXIMATELY 540.88 ACRES OF LAND LOCATED IN THE NORTHWEST PORTION OF CARSON CITY BETWEEN U.S. HIGHWAY 395 ON THE EAST, THE WESTERN NEVADA COMMUNITY COLLEGE CAMPUS AND UNIVERSITY HEIGHTS SUBDIVISION ON THE WEST, WINNIE LANE ON THE SOUTH AND THE EAGLE VALLEY CHILDREN'S HOME ON THE NORTH ON A PORTION OF ASSESSOR'S PARCEL NUMBER 8-061-02 - (PLANNING COMMISSION APPROVED 7-0-0-0) (3-1265) - Steve Hartman, Traffic Engineer Gordan Shaw, Project Engineer George Thiel - Mr. Guzman noted for the record that the period for filing an appeal had passed without anyone filing an appeal. Mr. Hartman thanked staff and the community for its assistance throughout the process. Discussion among the Board, Mr. Hartman and staff included the (3-2389) (4-0525) ten-foot bike/park paths, the senior citizen housing cluster, (4-0105) inclusion of the V&T right-of-way in the open space calculations, reasons the commercial and cluster area open spaces were not included in the open space calculations, signalization sites and plans for the intersection of Ormsby and Community College Drive, the location of other signals, K-Mart and the project's drainage plans, low glare lighting, project roofing and architectural design plans, maintenance of the bike/park areas, various terms in the Super K/K-Mart contract, the golf course's effluent irrigation plans, location of and access to the school/park site, the joint school/park use plans, the block wall fence and screening efforts between the school and K-Mart, (4-1025) the number and size of the "lakes", access routes from the southern developed areas including streets which would reach K-Mart, Kimberly Meadows Drive, arterials Ivy Baldwin Drive and Community College Parkway, and their signalization. (4-0975) Discussion between Mayor Teixeira and Mr. Guzman emphasized that the final project would be similar to the matrix.

(4-1328) BREAK: At 8:50 p.m. a ten minute recess was declared. When the meeting reconvened at 9 p.m. the entire Board was present constituting a quorum.

(4-1335) Doretta Brown expressed her concern that the block wall fence would not stop individuals at the school from reaching K-Mart. Jim Robertson supported the project. Walter Sullivan, representing several adjacent property owners in the Dartmouth Drive area, outlined the residents' concerns and thanked staff and the developer for resolving those issues. Mr. Sullivan noted that he had not participated in staff's review of the development due to the potential conflict of interest.

Discussion ensued among the Board, Mr. Hartman, and Mr. Kastens on the height of the block and the project's Residential Construction Tax program.

(4-1910) Supervisor Tatro noted his normal procedures for considering Board items. In this case, however, due to the magnitude of the project, he had previously heard and discussed the project. All of those concerns were contained within the supporting documentation. The Planning Commission's recommendations and the lack of community concern at this stage indicated the work the developer had undertaken to meet the needs and concerns of the community. He commended the developer on the quality and dedication of the project. Mr. Hartman noted there had been numerous meetings on the

000155121

EXHIBIT B

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 16, 1993, Meeting
Page 14

project. He felt that the project was acceptable due to the staff and the neighbors' knowledge of the issues and everyone's willingness to cooperate. He commended all of the participants on their efforts.

(4-2102) Discussion among the Board and Mr. Hartman returned to the bike path along Community College Parkway. Mr. Hartman agreed to put another four foot path along the south side of the street. Supervisor Ayres noted the Parks and Recreation Commission had considered this issue and would support Mayor Teixeira's request. Supervisor Smith noted that the project would take many years to develop and Growth Management's control. Mr. Hartman explained the developers' plans were to "sell lots" but they could construct some of the homes. It would have at least a ten year buildout/sellout. The project is subject to Growth Management. Mr. Guzman entered into the record the following: 1. A letter from the Army Corps of Engineers indicating the area did not contain any wetlands; 2. A letter from the current K-Mart Manager supporting the K-Mart project; and 3. A petition containing over 1,300 signatures supporting K-Mart.

(4-2507) Supervisor Tatro moved that the Board approve a Master Plan Amendment request from G.T.S. Partners, Inc., Property Owners: Silver Oak Development Company, Marshall Ashcraft, and Nevada Children's Foundation, MPA 93/94-1, to amend the Master Plan Land Use Designation from Commercial and Suburban Residential and Low Density Residential to Low Density Residential and Commercial and to amend the Streets and Highways Master Plan element regarding the realignment of the proposed Graves Lane to Combs Canyon Roadway to connect instead with West Nye Lane near the Western Nevada Community College campus and University Heights subdivision on the west, Winnie Lane on the south and the Eagle Valley Children's Home on the north; Assessor's Parcels Number 8-061-02 and 17, 7-091-55, 56, 57, 58, and 68 based on the findings and conditions contained in the staff report and the Planning Commission recommendation. Mr. Guzman noted there were no conditions. Supervisor Bennett seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board introduce Bill No. 149 on first reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBERS 8-061-02 AND 17, 7-091-55, 56, 57, 58, AND 7-091-68 (PORTION), SAID PARCELS BEING LOCATED IN THE NORTHWEST PORTION OF CARSON CITY, WEST OF HIGHWAY 395, SOUTH OF EAGLE VALLEY CHILDREN'S HOME, NORTH OF WINNIE LANE, EAST OF WESTERN NEVADA COMMUNITY COLLEGE AND UNIVERSITY HEIGHTS SUBDIVISION IN CARSON CITY, NEVADA, FROM SINGLE FAMILY TWO ACRE (SF2A), SINGLE FAMILY ONE ACRE (SF1A), SINGLE FAMILY 12,000 (SF12000), AND CONSERVATION RESERVE (CR) TO SINGLE FAMILY 12,000-PUD (SF12000-PUD), RETAIL COMMERCIAL-PUD (RC-PUD), TOURIST COMMERCIAL-PUD (TC-PUD), RESIDENTIAL OFFICE-PUD (RO-PUD), AND NEIGHBORHOOD BUSINESS-PUD (NB-PUD) ZONING. Supervisor Bennett seconded the motion. Motion carried 5-0.

000155121

EXHIBIT B

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 16, 1993, Meeting
Page 15

Supervisor Tatro moved that the Board approve a request from G.T.S. Partners, Inc.; property owners: Silver Oak Development Company, Marshall Ashcraft, and Nevada Children's Foundation; P-93/94-1 for a SF12000 Planned Unit Development, Silver Oak Planned Unit Development, on approximately 683 acres of land; the proposed development will consist of approximately 308 acres of open space; approximately 78.9 acres of commercial area; approximately 13.6 acres for park/school site; approximately 225.2 acres for single family and cluster residential development, for a total of 1,181 lots; and approximately 59.9 acres of roadways; the request also includes variances for front, side and rear setbacks; building heights; lot size and widths; roadway width; and peripheral boundary setbacks; the area is currently zoned Retail Commercial, Single Family One Acre, Single Family 12,000, Single Family Two Acres, and Conservation Reserve on property located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights Subdivision on the west, Winnie Lane on the south, and the Eagle Valley Children's Home on the north; Assessor's Parcel Numbers 8-061-02, 8-061-17, 7-091-55, 56, 57, 58, and 68 based on the findings and subject to the conditions and stipulations contained in the staff report and Planning Commission recommendation. Supervisor Ayres seconded the motion. Clarification noted that the total acreage was 651 acres and Supervisor Tatro so amended his motion. Supervisor Ayres continued her second. Motion carried 5-0.

(4-2735) Mr. Guzman requested the Board clarify Condition 20 of the Special Use Permit and explained the condition and amendment. Mr. Hartman agreed to the amendment. Supervisor Tatro then moved that the Board approve U-93/94-6, a Special Use Permit application from Silver Oak Development Company to allow development of a Super K-Mart business on a parcel of land divided by four zoning districts, Retail Commercial, Single Family One Acre, Single Family 12,000, and Single Family Two Acres, on approximately 540.88 acres of land located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights Subdivision on the west, Winnie Lane on the south, and the Eagle Valley Children's Home on the north on a portion of Assessor's Parcel Number 8-061-02, based on the findings and subject to the conditions as contained in the staff report and Planning Commission recommendation with the sentence being added to Condition No. 20: "No idling of engines when delivering nor noise producing operations will be conducted outside the building from 10 p.m. through 6 a.m.". Supervisor Smith seconded the motion. Clarification noted that Condition 20 also contained the delivery truck restriction. Motion carried 5-0. Mayor Teixeira commended the developers on their expertise and professionalism on the project. The community would receive a quality project based on the presentations made.

Supervisor Ayres then moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 9:35 p.m.

000155121

EXHIBIT B

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 16, 1993, Meeting
Page 16

The Minutes of the September 16, 1993, Carson City Board of Supervisors meeting

ARE SO APPROVED ON October 21, 1993.

Marv Teixeira, Mayor

ATTEST:

Kiyoshi Nishikawa, Clerk-Recorder

000155121

EXHIBIT B

CARSON CITY, STATE OF NEVADA
BOARD OF SUPERVISORS
SEPTEMBER 16, 1993

NOTICE OF DECISION

A request was received from G.T.S. Partners, Inc. (property owners: Children's Foundation) for a SF12000 Planned Unit Development (Silver Oak Planned Unit Development) on approximately 651 acres of land. The proposed development will consist of approximately 572 acres of Single Family and Cluster Residential development (for a total of 1,181 lots); including a 13 acre park/school site; approximately 76 acres of Commercial area; approximately 2.5 acres of Residential Office area; and approximately 1.5 acres of Neighborhood Business area. The request also includes variances for front, side and rear setbacks; building heights; lot size and widths; roadway width; and peripheral boundary setbacks. The area is currently zoned Retail Commercial (RC), Single Family One Acre (SF1A), Single Family 12,000 (SF12000), Single Family Two Acres (SF2A), and Conservation Reserve (CR). The property is located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights subdivision on the west, Winnie Lane on the south and the Eagle Valley Children's Home on the north; APNs 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, and 7-091-68 (portion).

The Board of Supervisors conducted a public hearing on September 16, 1993 in conformance with City and State legal requirements, and the Board of Supervisors approved a request from G.T.S. Partners, Inc. (property owners: Silver Oak Development Company; Marshall Ashcraft and Nevada Children's Foundation), P-93/94-1, for a SF12000 Planned Unit Development (Silver Oak Planned Unit Development) on approximately 651 acres of land. The proposed development will consist of approximately 572 acres of Single Family and Cluster Residential development (for a total of 1,181 lots); including a 13 acre park/school site; approximately 76 acres of Commercial area; approximately 2.5 acres of Residential Office area; and approximately 1.5 acres of Neighborhood Business area. The request also includes variances for front, side and rear setbacks; building heights; lot size and widths; roadway width; and peripheral boundary setbacks. The area is currently zoned Retail Commercial (RC), Single Family One Acre (SF1A), Single Family 12,000 (SF12000), Single Family Two Acres (SF2A), and Conservation reserve (CR) on property located in the northwest portion of Carson City between U.S. Highway 395 on the east, the Western Nevada Community College campus and University Heights subdivision on the west, Winnie Lane on the south and the Eagle Valley Children's Home on the north; APNs 8-061-02, 8-061-17, 7-091-55, 7-091-56, 7-091-57, 7-091-58, and 7-091-68 based on the following findings and subject to the conditions of approval, acknowledgement and stipulations:

000155121

EXHIBIT B

Board Notice of Decision
P-93/94-1
Page Two

FINDINGS:

DESIGN STANDARDS	REQUIRED	PROPOSED
1. Minimum site area:	5 acre minimum	651 acres

Staff finds that the proposal satisfies the requirements of CCMC 17.69.190(a).

2. Minimum # of units:	5 units	1,181 units

Staff finds that the proposal satisfies the requirements of CCMC 17.69.190(b).

3. In designing a Planned Unit Development, the ordinance allows lot area, width, building height, lot size, minimum site area, and setbacks to be reduced to better utilize land. The proposed development consists of 1,181 dwelling units in standard single family and cluster single family configurations on 651 acres. The project involves a consolidation of the following approvals:

   A. Tentative Planned Unit Development map for 1,181 separate lots and structures in a standard and in a cluster development configuration.

   B. A variance of lot width in other than cluster development areas to allow 40 foot lot widths.

   C. A variance to vary front yard setbacks on one-acre parcels by five feet, providing a minimum of 25 foot front yard setback, rather than the 30 foot required setback.

   D. A variance to vary front yard setbacks on 6,000 to 7,000 square foot lots from the required 20 foot front yard setback to a 15 foot minimum front yard setback.

   E. A variance of building height in other than cluster development from the allowed 26 feet to 28 feet in height.

EXHIBIT B

DESIGN STANDARDS	REQUIRED	PROPOSED

F. A variance within the cluster single family areas to allow minimum 4,000 square foot lot widths and to allow zero lot line construction.

G. A variance within the cluster single family areas to allow a maximum 35 foot building height.

H. A variance of side, front, rear, building height, lot width, and lot size in the cluster developments, depending on the design chosen for a particular parcel:

Proposed front yards:	5 foot to 18 feet
Proposed rear yards:	5 foot to 15 feet (for two-story units)
Proposed side yards:	zero lot line to 12 feet (for two-story units)

I. Variance request to vary the existing 36 foot right-of-way width within the cluster area to 26 feet from interior parking courts.

J. A variance to allow patios and decks to be built within the rear, side and front setback areas within 3 foot of the property line.

K. A variance from required 25 feet setback on all peripheral boundary lines to not less than 15 feet within the residential portions of the development.

L. A variance request of 25 feet from the required 25 foot setback on all commercial property setbacks for the peripheral boundary to allow a zero foot setback in Commercial areas.

4.	Parking area:	2.5 per dwelling unit	Compliance within standard residential development areas

Staff finds that the proposal meets requirements within the non-cluster areas. The cluster area require further review upon future approval of each cluster phase by staff.

EXHIBIT B

	DESIGN STANDARDS	REQUIRED	PROPOSED
5.	Storage area:	Optional	None is envisioned
6.	Sidewalks:	Yes	Extensive interconnected pedestrian walks and paths follow the main network of roads
7.	Utilities:	Underground	Underground (some existing power lines cannot be placed underground due to high voltage

Staff finds that the proposal satisfies the requirements of CCMC 17.69.190(h).

8.	Landscaping:	Preliminary landscaping plans required	Conceptual plans submitted will require further review prior to construction of phases
9.	Bike path:	Optional	Extensive well interconnected network
10.	Open space required	40% of gross area of site to be determined individually for each PUD. Private open space not to constitute more than 25% of total open space area.	45% including golf course and hill. Of the 45% the main components are: Golf Course 62% Hill 23% Landscape Area (walkways/buffers) 9% Peripheral (includes private) 6%

The proposal meets the requirements of the Planned Unit Development Ordinance.

EXHIBIT B

CONDITIONS OF APPROVAL:

1. All final maps or parcel maps shall be in substantial accord with the approved tentative map.

2. Prior to submittal of any final map or parcel maps, the Public Works Department shall approve all on-site and off-site improvements.

3. All other departments' and State agencies conditions of approval, which are attached, shall be incorporated as conditions of this report.

4. All disturbed areas are required to have a palliative applied for dust control. Any and all grading shall comply with State and City standards.

5. Lots not planned for immediate development shall be left undisturbed and mass grading and clearing of natural vegetation shall not be allowed. Any and all grading shall comply with City standards. A grading permit from the State Health Division shall be obtained prior to any grading. Non-compliance with this provision may cause a cease and desist order to halt all grading work.

6. A note shall be placed on all final or parcel maps stating:

   "These parcels are subject to Carson City's Growth Management Ordinance and all property owners shall comply with provisions of said ordinance."

7. Placement of all utilities, including TCI Cable, shall be underground within the development.

8. All on and off-site improvements shall conform to City standards and requirements.

9. The applicant must sign and return the Board of Supervisors acknowledgement of conditions for approval within ten (10) days of receipt of notification. If the acknowledgement is not signed and returned within ten days of receipt, then the item will be rescheduled for the next Planning Commission meeting for further consideration.

EXHIBIT B

10. As required by CCMC, Section 17.69.040, the construction and the development of all approved open space shall occur no later than the construction of 25% of the dwelling units. In this case, no later than the construction of the 295th dwelling unit. Because the landscaping of this development is an integral part of the project, all landscaping within the project and along the perimeter of each phase shall be completed concurrent with the completion of each phase unless installation is delayed due to weather, in which event, financial assurances will be posted for its completion.

11. Fencing of corner lots must meet sight distance area requirements.

12. The last final map necessary to cover the entire development must be recorded for the entire development within two years from the time of the tentative map approval by the Board of Supervisors or the developer and the City will have entered into a development agreement.

13. CC&R's must be recorded, at the property owner's expense, in conjunction with the first final map of other than the Super K-Mart site.

14. A note shall be placed on all final maps stating that all development shall be in accord with planned unit development application (P-93/94-1).

15. Final CC&Rs shall be approved by the District Attorney and the Community Development Department and recorded prior to recordation of a final map, or parcel map; the CC&Rs shall provide for the on-going maintenance of the non-dedicated landscaping, lighting, fences, and the historical kiosk area.

16. Prior to the issuance of any certificates of occupancy, the applicant shall install or bond for the installation of all landscaping/irrigation in the area of the project in which the structure is located. An approved landscaping plan for the PUD must be secured prior to the issuance of any building permits.

17. Prior to final map or parcel map submittal, a submittal shall be made to the Community Development Department verifying the lack of, or presence of fault lines within the project site. Should a fault be located within the project site, a geotechnical study shall be provided to Community Development and an engineer's recommended building setback shall be noted on all final maps.

EXHIBIT B

18. The final maps shall note all abutting property ownership, contain block and numbering, all approved street names, and information as required within the Planned Unit Development Ordinance and Nevada Revised Statutes (NRS).

19. Each block of cluster housing shall meet the standards of the development matrix as to unit type and as to the maximum allowable density and must be reviewed and approved by the Community Development staff prior to building plans submittal of any unit within that block.

20. All structure development within the project must meet the requirements as specified in the Development Matrix included in the application and herewith made a part of this condition as a means of defining the variance approvals and standards of development for both the residential cluster areas and the standard residential development areas.

21. If the developer wishes to provide 15 foot front yard setbacks with average of 20 foot front yard setback within the 6,000 to 7,000 square foot lot areas, a plan must be provided to Community Development Department and Building Division staff at time of the first building plan submittal and receive approval of the average setback plan from the Community Development Department.

22. The developer will maintain grass or landscaping within the school/park site until such time as the site is developed for its designated use or is accepted by Carson City or the School District. The CC&Rs or a development agreement shall address this requirement.

23. Shrubbery and trees over four feet in height at maturity may not be planted along a pedestrian/bicycle path within 50 feet of any intersection.

24. No parcel map or final map may be recorded for any portion of the planned unit development until the tentative map receives Board of Supervisors' approval.

25. The area westerly of Ormsby Boulevard and southerly of Combs Canyon Road will be dedicated to Carson City as a detention facility to be improved with moderate landscaping which does not impede its use as a drainage facility. This area will be improved at the time of the construction of each adjacent phase; any land area not necessary for detention facilities will be offered to adjacent property owners without consideration.

000155121

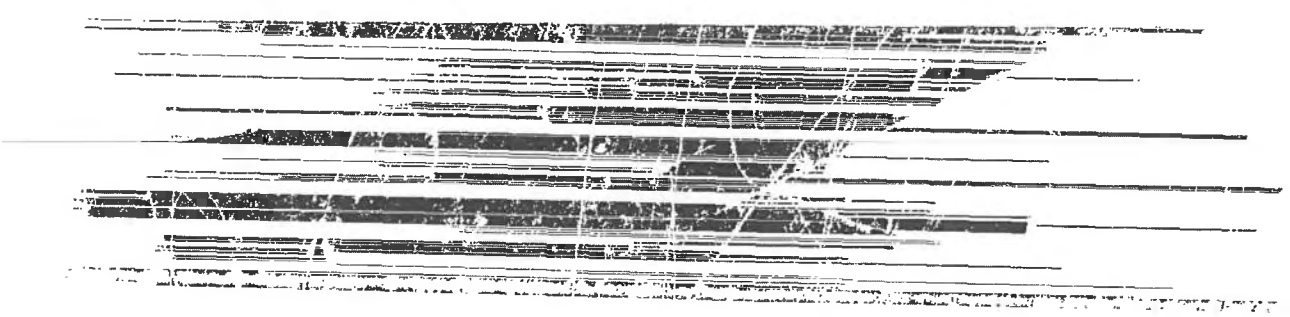


EXHIBIT B

26. The project reviewed as part of U-93/94-6 constitutes the first planned phase of this proposal and as such, shall be an integral part of this planned unit development.

27. Compliance with Chapter 12.09 (Flood Damage Prevention Ordinance) is required as the project develops.

STIPULATIONS:

By Steve Hartman:

1. The Residential Office-Planned Unit Development and adjacent Retail Commercial properties will be developed with unified-looking structures.

2. Residences will be limited to single story structures along the Silver Oak property line to the east where there is existing residential development and adjacent to University Heights residences along the Silver Oak west property line and limiting building height to twenty-two feet.

3. On West Nye Lane within the Residential Office-Planned Unit Development area, there will be only four sites.

4. A fuel-management plan will be provided for the are along the college edge of Silver Oak (west).

5. The CC&Rs will be recorded first (with the commercial area of the development having a separate section in the CC&Rs).

6. It is approximately fifteen feet lower elevation on Silver Oak's lots which abut University Heights residences than the University Heights lots.

7. School property will be used as a park site until the school is built; but the property will be owned by the school.

8. Each cluster block will be submitted to staff for review in total, not piecemeal; if staff is not comfortable with the submittal review, it will be referred to the Planning Commission and/or Board of Supervisors.

9. If lakes and ponds do not remain water-filled, then they will be landscaped.

000155121

EXHIBIT B

10. When the area next to Eagle Valley Ranch Road is ready to be developed, Silver Oak Development Company,Inc. will improve Eagle Valley Ranch Road to Carson City standards.

11. Painted bike paths will be placed along both sides of Community College Parkway Boulevard.

12. Lighting will be placed within the PUD to meet Carson City ordinance requirements.

13. A minimum of 20 foot rear yard setbacks will be provided for lots immediately adjacent to the Dartmouth Residential lots.

This decision was made on a vote of 5 ayes and 0 nayes.

Juan F. Guzman, Senior Planner
Community Development Department

Sandra Danforth, Associate Planner
Community Development Department

Mailed _____ by _____.

EXHIBIT "C"

PHASING SCHEDULE

The following is the estimated sequence of phasing various of the improvements for the Silver Oak Project:

Phase 1	Super K site at U.S. Highway 395 and Community College Parkway.
Phase 2	50 +/- lots abutting Winnie Lane, including the new Ormsby Blvd., entry off of Winnie Lane.
Phase 3	50 +/- lots westerly of the new Ormsby Blvd., entry and easterly of existing Ormsby Blvd., just north of Winnie Lane.
Phase 4	50 +/- lots along the west and east side of Kimberly Meadows Drive.
Phase 5	The Block "BB" cluster housing.
Phase 6	50 +/- lots northerly of the cluster housing in Block "BB" and southerly of Community College Parkway.
Phase 7	50 +/- lots west of Ormsby Blvd., and southerly of Mahogany Street.
Phase 8	50 +/- lots west of Ormsby Blvd., and southerly of Mahogany Street.
Phase 9	50 +/- lots easterly of University Heights.
Phase 10	Cluster housing in Block "DD".
Phase 11	50 +/- lots in Blocks G & H.
Phase 12	50+/- lots in Blocks D, E & F.
Phase 13	50 +/- lots in Blocks A, B & C.
Phase 14	The cluster housing in Block "EE".
Phase 15	Cluster housing in Block "CC".

The foregoing is the anticipated chronology of phasing for the Project. However, the sequence may change due to economic, market conditions or absorption changes in the economy.

NOEXHIBT.COO

ORDINANCE NO. 1994-34

BILL NO. 130

AN ORDINANCE APPROVING AN ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO PROVIDE FOR THE CONSTRUCTION OF CERTAIN DRAINAGE AND DETENTION IMPROVEMENTS AND TO MODIFY CERTAIN PREVIOUSLY APPROVED SETBACK VARIANCES AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: No

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

WHEREAS, CARSON CITY and SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, hereinafter referred to as "SILVER OAK" entered into a development agreement which was approved by the Board of Supervisors as Ordinance 1994-1, Bill No. 167 on January 6, 1994 (hereinafter "Development Agreement") and CARSON CITY and SILVER OAK desire to amend the Development Agreement by agreeing to the First Addendum to Development Agreement (hereinafter "Addendum") attached hereto as Exhibit "A"; and

WHEREAS, the land which is the subject of this Addendum is comprised of land commonly known as Parcel Nos. 8-061-02, 8-061-06 and 8-061-13, which parcels were identified in the Tentative Planned Unit Development Map entitled "Silver Oak P.U.D." (hereinafter "Silver Oak P.U.D.") that was approved by the Carson City Board of Supervisors on September 16, 1993 and which land is more particularly described in Exhibit "1" to Exhibit "A"; and

WHEREAS, the permitted uses of the land, the density or intensity of the land use, and the maximum height and size of any proposed buildings are provided for in the approved Silver Oak P.U.D.

Map, the conditions of the Map, and the Development Agreement; and

WHEREAS, the Carson City Board of Supervisors finds that the contents of the Addendum conforms with CCMC 17.21.020, NRS 278.0201 and Carson City's Master Plan; and

NOW, THEREFORE, the Board of Supervisors hereby ordains:

1. The modifications to the Silver Oak P.U.D. made by the Addendum do not affect the rights of residents to maintain and enforce the provisions of the plan.

2. The modifications to the Silver Oak P.U.D. made by the Addendum are consistent with the efficient development and preservation of the entire P.U.D., do not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and are not granted solely to confer a private benefit upon any person.

3. The First Addendum to Development Agreement between CARSON CITY and SILVER OAK attached and incorporated herein as Exhibit "A" and associated with all or portions of Carson City Assessor's Parcel Nos. 8-061-02, 8-061-06 and 8-061-13, which land is more particularly described in Exhibit "1" to Exhibit "A", is approved.

4. The time period within which the construction of the drainage and detention improvements must commence is contained in the Development Agreement and the Addendum. The Director of the Carson City Public Works Department is authorized to extend the period within which the construction of the improvements covered by the Addendum and the Development Agreement must commence.

5. The Board of Supervisors further directs that the City

/ / /

Clerk shall cause a certified copy of this ordinance and the Addendum to be filed with the Carson City Recorder.

PROPOSED this 2nd day of June, 1994.

PROPOSED by Supervisor Tom Tatro

PASSED on the 16th day of June, 1994.

VOTE: AYES:

Greg Smith

Janice Ayres

Tom Tatro

Kay Bennett

Marv Teixeira, Mayor

NAYES: None

ABSENT: None

MARV TEIXEIRA, Mayor

ATTEST:

KIYOSHI NISHIKAWA, Clerk/Recorder

This ordinance shall be in force and effect from and after the 27th day of June, 1994.

Exhibit "A"

FIRST ADDENDUM TO DEVELOPMENT AGREEMENT

This First Addendum to Development Agreement made this 16th day of June, 1994, by and between SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a Nevada limited partnership (hereinafter "DEVELOPER"), and CARSON CITY, a consolidated municipality of the State of Nevada, hereinafter referred to as "CARSON CITY".

RECITALS

1. On September 16, 1993, the Carson City Board of Supervisors considered the SILVER OAK project (hereinafter the "PROJECT") and approved the Project by passing on first reading Bill No. 167 which was later heard on second reading and passed as Ordinance 1994-1 on January 6, 1994 (hereinafter the "DEVELOPMENT AGREEMENT").

2. The parties find that certain variances granted by the Board should be modified and that additional provisions relating to drainage are desirable additions to the DEVELOPMENT AGREEMENT and CARSON CITY and the DEVELOPER mutually desire to amend, modify and restate portions of the DEVELOPMENT AGREEMENT as hereinafter set forth.

NOW THEREFORE for good and valuable consideration herein the parties do agree as follows:

I.

Article 2.6 is hereby amended and restated to provide in its entirety as follows:

2.6 Grading, Drainage and Erosion Control Measures.

The DEVELOPER has prepared a Master Drainage Plan for the PROJECT which is dated March 4, 1994 and by this reference incorporated herein as if fully set forth. Pursuant to the Master Drainage Plan, the PROJECT is segmented into Areas A through D inclusive.

The DEVELOPER and CARSON CITY agree that the first phase of

development within an Area shall require the construction of the detention facility (ies) and drainage improvements for that Area, including but not limited to, the connection of drainage conveyancing facilities between Areas required to facilitate drainage to the outlet structures along U.S. Highway 395. Provided however, that the second phase of development in Area A will required the construction of the detention facility in Area B and construction of the first phase in Area D will require construction of detention facilities in Area C.

The specific grading, drainage and erosion control plans for each phase shall be submitted with the final map for each of the various phases of the PROJECT subject to approval by CARSON CITY. All plans shall be in accordance with the Master Drainage Plan and CCMC 17.36.030.

II.

Paragraph c) of the portion of Article 2.11 pertaining to "Remaining Residential Areas" is hereby amended and restated to provide in its entirety as follows:

c) Front, rear and sideyard set backs are varied by lot size as follows:

Front Yard

12,000 sq. ft. lots and under.

12 feet to residential structure from the property line.

Over 12,000 sq. ft. to and including 17,000 sq. ft.

15 feet to residential structure from the property line.

Over 17,000 sq. ft. to and including 30,000 sq. ft.

20 feet to residential structure from the property line.

Over 30,000 sq. ft. to and including 45,000 sq. ft.

30 feet to residential structure from the property line.

///

Rear Yard

12,000 sq. ft. lots and under.

Not including uncovered patios and decks 15 feet minimum.

Over 12,000 sq. ft. to and including 30,000 sq. ft.

Not including uncovered patios and decks 20 feet minimum.

Over 30,000 sq. ft. to and including 45,000 sq. ft.

Not including uncovered patios and decks 30 feet minimum.

Side Yard

9,000 sq. ft. lots and under.

Not including uncovered patios and decks 5 feet minimum.

For side yards abutting a street, there shall be an increase of an additional 5 feet totalling 10 feet.

Over 9,000 sq. ft. to and including 12,000 sq. ft.

Not including uncovered patios and decks a minimum of 8 feet.

For side yards abutting a street there shall be an increase of an additional 5 feet totalling 13 feet.

Over 12,000 sq. ft. to and including 17,000 sq. ft.

Not including uncovered patios and decks a minimum of 10 feet.

For side yards abutting a street there shall be an increase of an additional 5 feet totalling 15 feet.

Over 17,000 sq. ft. to and including 30,000 sq. ft.

Not including uncovered patios and decks 15 feet minimum.

For side yards abutting a street there shall be an increase of an additional 5 feet totaling 20 feet.

Over 30,000 sq. ft.

Not including uncovered patios and decks 20 feet minimum.

For side yards abutting a street there shall be an increase of an additional 5 feet totalling 25 feet.

Notwithstanding any of the provision for these variances the rear yards set backs on those properties abutting existing residences shall be not less than 20 feet.

III.

This Agreement shall bind the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of the day and year first above written.

CARSON CITY

By: Marv Teixeira
MARV TEIXEIRA, Mayor

ATTEST:

Kiyoshi Nishikawa, Clerk/Recorder

Approved:

Public Works Director

Approved as to form:

Deputy District Attorney

SILVER OAK DEVELOPMENT COMPANY
LIMITED PARTNERSHIP

By: GTS PARTNERS, INC., a Nevada corporation, its general partner

By:
STEPHEN D. HARTMAN, SECRETARY

SUBSCRIBED and SWORN to before me this 29th day of June, 1994.

NOTARY PUBLIC

KATHERINE L. McLAUGHLIN
NOTARY PUBLIC
NEVADA
LYON COUNTY
My Appt. Exp. Sept. 21, 1995

f:\civil\govt\acds4.agr

EXHIBIT "1"

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN CARSON CITY, NEVADA, AND IS DESCRIBED AS FOLLOWS:

A portion of the southeast 1/4 of Section 6, Township 15 North, Range 20 East, M.D.B. & M., described as follows:

Parcel 4 as shown on the Amended Parcel Map for SILVER OAK DEVELOPMENT COMPANY, filed in the office of the Carson City Recorder on October 13, 1993, in Book 7 of Maps, Page 2030, File No. 150922.

Parcels A, B, C, and D as set forth on parcel map for MARSHALL S. ASHCRAFT, filed for record in the office of the Carson City Recorder on April 27, 1982, in Book 4, Page 926 as Document No. 10863, Official Records of Carson City, Nevada.

Together with an easement for ingress and egress as set forth in document filed for record in the office of the Carson City Recorder on September 4, 1979 in Book 260, Page 517 as Document No. 90505 Official Records of Carson City, Nevada.

A parcel of land over and across a portion of the Southwest 1/4 of the Northeast 1/4 of Section 6, Township 15 North, Range 20 East, M.D.B.&M., and described more fully by metes and bounds as follows, to-wit:

Beginning at a point 48 feet left or westerly, and at right angles to HIGHWAY ENGINEER'S STATION "O S1 "85+60.00 P.O.T. said point further described as bearing South 29°52'03" East, a distance of 1526.08 feet from the south quarter corner of Section 31, Township 16 North, Range 20 East, M.D.B.&M., thence South 25°13'03" East along the left or Westerly 48.00 foot highway right of way line a distance of 136.11 feet to an intersection with the Southerly boundary of said property, thence North 49°32'03" West along the Westerly boundary of said property a distance of 234.80 feet to an intersection with North East-West one-sixteenth section line of said Section 6; thence South 84°08'30" East a distance of 56.16 feet to a point; thence South 70°03'01" East a distance of 68.90 feet to the point of beginning.

FILED FOR RECORD
AT THE REQUEST OF
CARSON CITY CLERK TO
THE BOARD
'94 JUL -1 A9:08

000163818

FILED
KI...
CA...
FEE:

000163818

ORDINANCE NO. 1995-5

BILL NO. 105

AN ORDINANCE APPROVING A SECOND ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO MODIFY CERTAIN PREVIOUSLY APPROVED SETBACK VARIANCES AND OTHER MATTERS PROPERLY RELATED THERETO

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION 1:

WHEREAS, CARSON CITY and SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, hereinafter referred to as "SILVER OAK" entered into a Development Agreement which was approved by the Board of Supervisors as Ordinance 1994-1, Bill No. 167 on January 6, 1994 (hereinafter "Development Agreement") and which was modified in the First Addendum dated June 16, 1994, recorded as File Number 000163818 on July 1, 1994, CARSON CITY and SILVER OAK desire to amend the Development Agreement by agreeing to the Second Addendum to Development Agreement (hereinafter "Addendum") attached hereto as Exhibit "A"; and

WHEREAS, the land which is the subject of this Addendum is comprised of land commonly known as parcel Nos. 8-061-02, 8-061,06 and 8-061-13 and APNs 8-061-24 and 17, 7-091-55, 56, 57, 58, and 7-091-68 (portion) 7-411-01, 02, 03, 04, 05, 06, 7-412-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 14, 16, 18, 19, 20, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 55, 56, 58, which parcels were identified in the

Tentative Planned Unit Development Map entitled "Silver Oak P.U.D." (hereinafter "Silver Oak P.U.D.") that was approved by the Carson City Board of Supervisors on September 16, 1993 and which land is more particularly described in Exhibit "1" to Exhibit "A"; and

WHEREAS, the permitted uses of the land, the density or intensity of the land use, and the maximum height and size of any proposed buildings are provided for in the approved Silver Oak P.U.D. Map, the conditions of the Map, and the Development Agreement; and

WHEREAS, the Carson City Board of Supervisors finds that the contents of the Addendum conforms with CCMC 17.21.020, NRS 278.0201 and Carson City's Master Plan; and

NOW, THEREFORE, the Board of Supervisors hereby ordains:

1. The modifications to the Silver Oak P.U.D. made by the Addendum do not affect the rights of residents to maintain and enforce the provisions of the plan.

2. The modification to the Silver Oak P.U.D. made by the Addendum are consistent with the efficient development and preservation of the entire P.U.D., do not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and are not granted solely to confer a private benefit upon any person.

3. The Second Addendum to Development Agreement between CARSON CITY and SILVER OAK attached and incorporated herein as Exhibit "A" and associated with all or portions of Carson City Assessor's Parcel Nos. 8-06[illegible]-02, 8-061-06 and 8-061-13 and APNs 8-

061-24 and 17, 7-091-55, 56, 57, 58, and 7-091- 8 (portion) 7-411-01, 02, 03, 04, 05, 06, 7-412-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 14, 16, 18, 19, 20, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46 48, 49, 50, 52, 53, 54, 55, 56, 58, which land is more particularly described in Exhibit "1" to Exhibit "A", is approved.

4. The Board of Supervisors further directs that the City Clerk shall cause a certified copy of this Ordinance and the Addendum to be filed with the Carson City Recorder.

PROPOSED this 19th day of January, 1995.

PROPOSED by Supervisor Tom Tatro

PASSED on the 2nd day of February, 1995.

VOTE: AYES: Greg Smith

Janice Ayres

Tom Tatro

Kay Bennett

Marv Teixeira, Mayor

VOTE: NAYES: None

ABSENT: None

MARV TEIXEIRA, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This Ordinance shall be in force and effect from and after the 13th day of February, 1995.

Exhibit "A"

SECOND ADDENDUM TO DEVELOPMENT AGREEMENT

This Second Addendum to Development Agreement made this 2nd day of February, 1995, by and between SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, Nevada limited partnership (hereinafter "DEVELOPER"), and CARSON CITY, a consolidated municipality of the State of Nevada, hereinafter referred to as "CARSON CITY".

R E C I T A L S

1. On September 16, 1993, the Carson City Board of Supervisors considered the SILVER OAK project (hereinafter the "PROJECT") and approved the PROJECT by passing on first reading Bill No. 167 which was later heard on second reading and passed as Ordinance 1994-1 on January 6, 1994 (hereinafter the "DEVELOPMENT AGREEMENT"). The DEVELOPMENT AGREEMENT was amended by the FIRST ADDENDUM TO DEVELOPMENT AGREEMENT dated June 16, 1994, and recorded as File No. 000163818 and recorded July 1, 1994 in the Carson City Recorder's office.

2. The parties find that certain variances granted by the Board should be modified and that additional provisions relating to drainage are desirable additions to the DEVELOPMENT AGREEMENT and CARSON CITY and the DEVELOPER mutually desire to amend, modify and restate portions of the DEVELOPMENT AGREEMENT as hereinafter set forth.

NOW THEREFORE for good and valuable consideration herein the parties do agree as follows:

I.

Paragraph c) of the portion of Article 2.11 pertaining to "Remaining Residential Areas: is hereby amended and restated to provide in its entirety as follows:

c) Front, rear and sideyard set backs are varied by lot size as follows:

Front Yard

12,000 sq. ft. lots and under.

12 feet to residential structure from the property line.

Over 12,000 sq. ft. to and including 17,000 sq. ft.

15 feet to residential structure from the property line.

Over 17,000 sq. ft to and including 30,000 sq. ft.

20 feet to residential structure from the property line.

Over 30,000 sq. ft. to and including 45,000 sq. ft.

30 feet to residential structure from the property line.

Rear Yard

12,000 sq. ft. lots and under.

Not including uncovered patios and decks 15 feet minimum.

Over 12,000 sq. ft to and including 30,000 sq. ft.

Not including uncovered patios and decks 20 feet minimum.

Over 30,000 sq. ft. to and including 45,000 sq. ft.

Not including uncovered patios and decks 30 feet minimum.

Side Yard

9,000 sq. ft. lots and under.

Not including uncovered patios and decks 5 feet minimum. For side yards abutting a street, there shall be an increase of an additional 5 feet totalling 10 feet.

Over 9,000 sq. ft. to and including 12,000 sq. ft.

Not including uncovered patios and decks a minimum of 8 feet. For side yards abutting a street there shall be an increase of an additional 5 feet totalling 13 feet.

Over 12,000 sq. ft. to and including 17,000 sq. ft.

Not including uncovered patios and decks a minimum of 10 feet. For side yards abutting as street there shall be an increase of an additional 5 feet totalling 15 feet.

Over 17,000 sq. ft. to and including 30,000 sq. ft.

Not including uncovered patios and decks 15 feet minimum. For side yards abutting a street there shall be an increase of an additional 5 feet

totalling 20 feet.

Over 30,000 sq. ft.

Not including uncovered patios and decks 20 feet minimum. For side yards abutting a street there shall be an increase of an additional 5 feet totalling 25 feet.

For any irregular shaped lot (which is defined as a lot in which lot corners are not at 90° angles), on the end of a cul de sac and "bulbs" an Owner/Builder may utilize an average in calculating the rear and side yard set backs provided that the rear yard shall be not less than 10 feet under the averaging method and the side yard shall be no less than 5 feet under the averaging method. The stamp and signature of the Silver Oak Architectural Review Board shall be conclusive evidence that the Owner/Builder has satisfied the set back requirement set forth herein.

Notwithstanding any of the provisions for these variances the rear yards set backs on those properties abutting existing residences shall be no less than 20 feet.

III

This Agreement shall bind the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CARSON CITY

By: _____
MARV TEIXEIRA, MAYOR

ATTEST:

_____
ALAN GLOVER, CLERK/RECORDER

Approved:

_____
Public Works Director

Approved as to form:

_____
Deputy District Attorney

SILVER OAK DEVELOPMENT
COMPANY LIMITED PARTNERSHIP

By: GTS PARTNERS, INC., a
Nevada corporation, its
general partner

By: _____
STEPHEN D. HARTMAN,
SECRETARY

SUBSCRIBED and SWORN to

before me on this 12th day
of January, 1995.

_____
NOTARY PUBLIC

VIRGINIA A. POWELL
NOTARY PUBLIC - NEVADA
WASHOE COUNTY
My Appt. Exp. April 1, 1998

FILED FOR RECORD
AT THE REQUEST OF
CARSON CITY CLERK TO
THE BOARD
'95 FEB -6 P1:10

000171938

FILE NO.
ALAN GLOVER
CARSON CITY RECORDER
FEE $ NC

000171938